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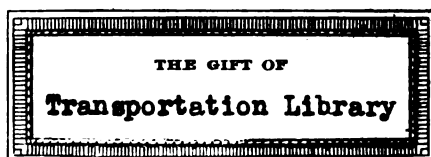
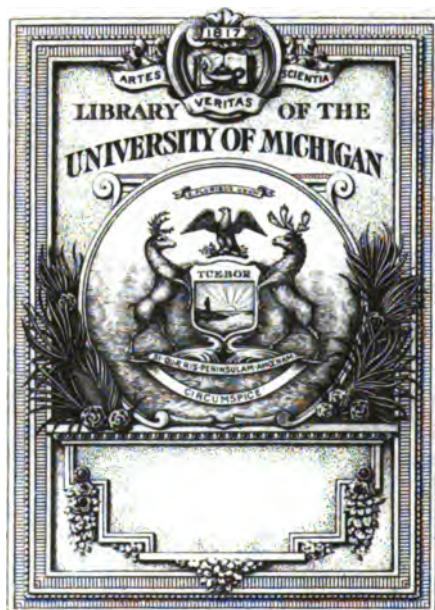
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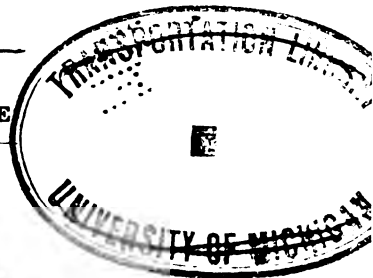
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DOCUMENTS
OF THE
ASSEMBLY
OF THE
STATE OF NEW-YORK,
FIFTY-SEVENTH SESSION,
1834.

VOLUME III.
FROM No. 106 TO 250 INCLUSIVE



ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE.
.....
1834.



*hon. Rich
Hill
Transportation Com.
5-18-1929*

No. 106.

IN ASSEMBLY,

January 31, 1834.

REPORT

Of the Trustees of the Capitol, in relation to the construction of the Park fence, and the improvement of the grounds connected with the Capitol.

The Trustees of the Capitol, having discharged the duty assigned them in relation to the erection of a fence around the Capitol Park, and the improvement of the grounds connected with the Capitol, respectfully submit to the Legislature the following

REPORT:

The act passed in 1832, entitled "An act relative to the Capitol, and the grounds connected therewith and belonging to the people of this State," appropriated the sum of \$8,000, and required the Trustees to "cause the park and grounds in front of and adjoining the Capitol to be pitched, reduced, levelled, and enclosed with a permanent and durable fence, of such pattern and description as they shall think most suitable and proper, taking into consideration the location and situation of the grounds, the objects for which those grounds are reserved and intended, and the necessary economy of expenditure in the construction of the fence."

In the report of the Trustees which was presented to the Legislature in 1833, (Assembly Documents, No. 150,) it was shewn that there had been expended previous to the date of that report, for the wall and coping on which the fence stands, and for excavating and levelling the grounds, and in payments upon the contract for the fence, and for other charges which are detailed in that report, the sum of..... \$7,299 48

Carried forward,

[Assem. No. 106.]

1

Brought forward,....	\$7,299 46
Leaving at the disposal of the Trustees, of the appropriation by the act of 1832, the sum of	700 54
	<u>\$8,000 00</u>

The first appropriation being inadequate to complete the contracts for the fence and the improvement of the grounds connected with the Capitol, an act was passed in 1833, (chapter 110 of that session,) appropriating for these objects the additional sum of \$4,000; which, with the balance in the hands of the Trustees, of the former appropriation, makes the sum to be accounted for,..... \$4,700 54

This sum has been expended as follows:

On outstanding bills, as stated in the last report, page 6, to wit:

To Hallenbake, his account for clay, team work, &c.	\$83 00
To ditto, on his contract for excavating park,	23 72
To Edward Reynolds, for teaming, carting coping, &c.	109 03
J. Lyman's account,	7 73
Account of the Mohawk and Hudson Railroad Company, for stone,.....	21 00

The following sums have also been paid since the former report was made, to wit:

To Bailey G. Hathaway, on his contract for the fence,	1,070 04
To the same, on his contract for the gates,	1,622 93

There has been paid to the Agent of the State Prison at Mount-Pleasant, for 180 feet of coping, (462 days work of prisoners, at 29½ cents per day,) as provided by the second section of the act of 1832,..... 143 52

Also for 382 days work of prisoners, at 29½ per day, in cutting piers, caps and urns for small pillars,	112 02
Transportation of coping from the prison to the park,	37 75
Transportation of marble for the small pillars,	11 50

Carried forward,.... \$

Brought forward,....	\$	
Laying drain across the park,		73 31
Laying out, levelling and seeding the park, gravelling the walks, &c.		353 61
There has been paid to J. R. Hays, for mason work, in putting up six small marble pillars, laying gate sills, laying coping on the north side of the Capitol, taking up the coping on the north circle and relaying the same, taking up the wall south of the large gate and relaying the same, and replacing the coping, pointing the coping, &c. &c. the sum of		297 85
There has been paid to Richard Rhoades, for levelling park, repairing walks, laying drain under sidewalk south of large gate- way, team work, &c.		86 88
For bricks for drain across park,		18 00
Amos Fassett, for team work,		52 81
For blacksmithing, (mending tools of stone- cutters,)		12 05
For nails, lead, &c.		11 74
For surveying for original plan,		10 50
To H. V. Hart, for his services as superin- tendent,		50 00
For laying two drains, one north of the main gate, and the other near the small gate to the north,		13 12
Bricks for the above drains,		1 50
For lime,		2 50
For sand, &c.		3 12
Posts for side gates to rest against,		2 00
To Francis Milo, for painting the fence,..		282 10
		<hr/> \$4,713 33 <hr/>

When the Trustees made their report to the Legislature in 1833, and asked for an additional appropriation, they obtained from Mr. Hathaway, the person with whom they contracted for the fence and gates, an estimate which they supposed would cover all the expenses incident to the completion of his contracts. This estimate and copies of the contracts were laid before the Legislature, and

printed with the report, Document No. 150. of the Assembly. In that estimate, the cost of the fence was stated at \$4,067.74; and the cost of the gates at \$2,139.50: Total cost of the fence and gates, \$6,227.24. The bill for the gates and fence is annexed, marked A.

When the fence was finished, it was measured by the City Surveyor, and there proved to be 1,144 feet, which at \$3.53 per foot, the contract price, amounts to	\$4,038 32
The average weight of the six large pedestals connected with the gateway in front, is about 2,300 pounds each pedestal; and the aggregate weight of these pedestals, with the four large gates in front, and the six small gates and the twelve pedestals connected therewith, is 28,772 pounds; which, at 10 cents per pound, the contract price, amounts to	\$2,877 20
There are other small charges connected with the gates, amounting to	26 38
Making the total cost of the gates,	<u>\$2,903 58</u>
And the cost of the gates and fence,	\$6,941 90
Exceeding the estimate made by the contractor and presented to the Legislature, by the sum of	715 66
There was no estimate for the painting, and for which there has been paid out of the appropriation for the fence, the sum of	282 10
There has been paid also out of the appropriation for the fence, for the urns, caps and piers, for the small marble pillars, and which were not estimated, the sum of	123 52
The expense of levelling the grounds, making drains, &c. has exceeded the estimate, by the sum of	199 16
	<u>\$1,319 44</u>
The estimate in the last report for trees and shrubbery, has not been expended for those objects, and amounts to	225 00
Leaving a balance over the estimate, of	<u>\$1,094 44</u>
And the above sum is necessary to pay up the contracts for the fence and gates, and to pay to the treasurer of the Trustees \$12.79 advanced by him to pay	
Carried forward,....	<u>\$1,094 44</u>

Brought forward,....	\$1,094 44
small bills, beyond the appropriation. If to this is added the sum of \$225 for trees and shrubbery,.....	225 00
The appropriation required will be.....	<u>\$1,319 44</u>

The whole expense incurred by the Trustees, in erecting the fence and improving the grounds connected with the Capitol, is as follows, viz:

Amount of expenditures, as appears by the report of

1833, page 5,.....	\$7,299 46
Amount of expenditures as set forth in this report, ...	4,713 33
Amount due Mr. Hathaway,.....	1,081 65
	<u>\$13,094 44</u>

The amount appropriated is as follows, viz:

By chapter 138 of 1832,.....	\$8,000 00
By chapter, 110 of 1833,.....	4,000 00
	<u>12,000 00</u>

Cost of fence and improvements beyond the appropriation,	<u>\$1,094 44</u>
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A. C. FLAGG,
JOHN A. DIX,
GREENE C. BRONSON,
Trustees of the Capitol.

(A.)

The Trustees of the Capitol,

To Bailey G. Hathaway, Dr.

1833.

June 18. To amount of contract for constructing iron fence around the Capitol park, including 3 feet between each of the marble pillars and iron pedestals on the north and south side of park, and excluding the gateways, 1,144 feet of fence, at \$3.53 per foot run, the contract price,	4,038 32
To amount of contract for gates, at 10 cts. per lb. for the cast iron, wrought iron and lead used for them, to wit :	
To 4 large cast iron pedestals in front, weighing 2,404 lbs. each, making a total of 9,616 lbs.	961 60
To 2 pedestals outside of front gate, weighing 2,084 lbs. each, being 4,168 lbs.	416 80
To 12 tops and 12 bottoms, cast iron for pedestals of small gates, 388 lbs. per each pedestal, 4,656 lbs.	465 60
To 4 large wrought iron gates in front, averaging 450½ lbs. each, 1,801,	\$180 10
To 12 wrought iron pedestals for the small gates, weighing 400 lbs. each, total 4,800 lbs.	480 00
To 6 small wrought iron gates, weighing 250½ lbs. each. 1,505 lbs.	150 50
	810 60
To rose-plates, clamps, steps and other castings for gates, as per Townsend's bill, and not included in the foregoing 298 lbs. ...	\$29 80
To hinges, bottoms for hinges, catches, &c. per bill of Silliman & Rathbone, 237 lbs. at 10 cts..	23 70
To 4 pieces for gates per Many & Ward's bill, 13 lbs.	1 30
To 120 lbs. of gate bars between	
Amount carried forward,	\$

Amount brought forward,	\$	\$	
large columns and pedestals,		12 00	
To 24 lbs. of ball and catches for gates, at 10 cts.		2 40	
		<hr/>	69 20
To 740 lbs. gate banisters between pillars and large gates,		74 00	
To 687 lbs. of lead for pedestals, ...		68 70	
To 92½ lbs. do for gate hinges,		9 25	
To 15 lbs. do for large gate hinges,		150	
		<hr/>	158 45
To 200 lbs. of lead, for in coping, not filled in by mason, at 7 cts. per lb. ...			14 00
To amount paid Rector for plan of marble sills to send to Sing-Sing,		\$5 00	
To paid Rector's bill for other plans, one for Legislature and one for small pillars,		5 00	
		<hr/>	10 00
To paid for a pad-lock for large gate,		63	
To 10 lbs. of gate fastenings,		1 45	
To one half of amount paid city sur- veyor for measuring fence, \$2.50,		1 25	
		<hr/>	3 33
		<hr/>	\$6,942 90
Total amount of payments,		5,861 25	
		<hr/>	
Balance due,		\$1,081 65	
		<hr/>	

FIFTEENTH ANNUAL REPORT.

The Directors of the New-York Institution for the Instruction of the Deaf and Dumb, beg leave to submit to the Legislature their Fifteenth Annual Report for the year eighteen hundred and thirty-three.

The number of pupils, at the date of the last report, was eighty-seven. During the past year, eleven have been dismissed, and fifty-eight admitted; making the whole number resident in the Institution on the thirty-first of December, one hundred and thirty-four.

In anticipation of this additional number, an increased expenditure was unavoidable for the purchase of school apparatus, furniture, beds and bedding, and for instruction in the mechanic arts.

A full supply of large slates was ordered from Wales, which arrived on the sixth of September, and were framed with all convenient despatch, so that at present every class is supplied.

With the increase of numbers, provision was made for increasing also the variety of mechanical occupations, in order to meet the diversified tastes of the individuals for whose benefit the manual labor system was adopted. In selecting those hitherto introduced, the considerations by which the Board have been influenced are, the ease with which they might be established, the facility of their attainment, and their probable advantage to the pupils as a means of support after leaving the institution. In these respects, no additional employment seemed to commend itself more strongly to their choice, than that of bookbinding; and the Board therefore resolved to add this to the number of those already in successful operation. An apartment in the basement story of the building was accordingly fitted up for a bindery; and instruction is now given to such pupils, of recent admission, as have expressed a preference for this employment. It is not designed, however, to continue the business in the situation at present occupied; for the increased premium demanded on the policies of insurance for the

whole building, is greater than the interest which would accrue on an investment in the erection of shops possessing more ample accommodations. No other plan, however, could at this time be carried into immediate execution; for the work-shop originally built is not large enough to accommodate the trades hitherto taught, and the crowded condition of the apartments imperiously demands an enlargement of the present shop, or the erection of a new one, both for the convenience and health of those engaged in these pursuits.

In the general plan and construction of the edifice occupied by the pupils, and those to whom their care and instruction are committed, it was doubtless the intention of its founders to make provision for the greatest number of mutes, which it was thought possible to collect in a single institution; and statements have been published, seeming to imply that a number, far greater than the present, might be accommodated within its walls. These statements, however, were mere estimates at the time of their publication, and actual experiment has subsequently failed to sustain them. Experiment has also shown, that in its internal arrangement, as well as in the durability of its materials and skill displayed in its construction, it is less adapted to the purposes for which it was erected, than was formerly believed. In this respect, a want of foresight was not, however, peculiar to this establishment; for the experience of the institutions both at Hartford and Philadelphia, has suggested, at each, alterations and improvements not embraced in their original plans, but which were deemed so essential as to demand the erection even of an additional building.

The apartments devoted to the use of the male and female pupils respectively, as sitting and sleeping rooms, have become so crowded as to force upon the attention of the Board the inquiry, what measures shall be taken to remedy the evils at present existing, and affecting so directly the welfare of the present and future occupants of the building.

It is no small gratification to the Board, to be able to state, that during the past year, the objects of their solicitude have been exempted from the prevalence of general sickness, and with the exception of three or four cases of fever, have enjoyed ordinary health. But one death has occurred, and that by consumption, the fruit of hereditary predisposition to a disease which had cut off several members of the same family. The physician makes daily

visits, even when not required to give advice; and such other precautionary measures are taken, as circumstances and the anxiety of parents would seem to demand.

The hours of instruction, labor and relaxation, and the system of government and discipline, are arranged with due regard to the health as well as to the intellectual and moral good of the pupils. With a view to afford greater facilities for exercise in the open air, free from exposure, the lawn in front of the building has been prepared, by levelling and planting with trees, to serve as a promenade or play-ground for their use. Some other improvements which were in progress, connected with the attainment of this object, were arrested by the approach of winter, but will be renewed at the opening of the spring.

The income of the Society, during the past year, has exceeded the aggregate receipts of any similar period since its formation; owing to the enlarged provision made by the Legislature at its last session, by the act of April sixth, which took effect on the first day of October last; to the increased amount from pupils, whose friends sustain the expenses of their education; but principally to the fact, that the treasurer's account embraces the receipts for State beneficiaries, and those supported by the supervisors of the county of New-York, during the period of fourteen months. The arrangement existing previously to the present year, by which the quarterly receipts and disbursements were never simultaneous, was found to be extremely inconvenient; and upon application to the Comptroller, he cheerfully consented to its alteration, and permitted the Institution to present a bill for two months, ending on the thirty-first of December, which otherwise would have been deferred another month, and the avails of which would consequently have been carried to the credit of the ensuing year. A like change was effected through the kindness of the city comptroller. Including these items, amounting to the sum of about twenty-two hundred dollars, and the balance in the treasury at the commencement of the year, the receipts have been twenty thousand six hundred seventy-five dollars and sixty cents. Of this sum, six thousand dollars have been applied to extinguish the debt created for the erection of the building, and fourteen thousand seven hundred and forty-two dollars and ninety-two cents to meet the current expenses of the Institution. It will hence be perceived that the treasury has been overdrawn to the amount of sixty-seven dollars thirty-two cents.

By the act abolishing lotteries, one source of income to the Institution is cut off, and no new auxiliary has yet been discovered to supply this deficiency. No means, therefore, exist to carry on the operations of the institution, subject to the control of this Board, other than the direct receipts for the board and tuition of the pupils, and a distributive share of the Literature fund.

The proceeds from these sources, though sufficient of course to perpetuate the existence of the Institution, are entirely inadequate to insure to it the highest degree of usefulness, and must as a natural consequence fail to secure to it permanently its present reputation. It is believed by the Board, in contemplation of the deep and pervading interest felt throughout the civilized world, in this particular cause of humanity, and of the efforts which have been made, and are now making in Europe, to perfect methods, and to give character to institutions, that the honor of our country, and in particular, of our own State, is involved in the success or failure of the establishment under their direction. And, so far as this consideration extends, it must be esteemed as a failure, if the institution is compelled to recede, in any degree, from the ground which it at present occupies in public estimation abroad. The effort should rather be constantly to advance. The thought of retracing a single step should never be suffered for a moment to arise; and, that it may not, an enlightened people will at once see that such resources should be provided as to remove the necessity of a struggle for a precarious existence, when the strife should be for more extended usefulness and higher eminence. That these should be the great ends of our unceasing exertions, the country expects, and has a right to expect from us: for to us in this particular, along with the very few similar institutions existing, the character of our country, as a humane, and as an intelligent people, is committed. We, on the other hand, have consequently a claim upon the country and the State to sustain us, while we endeavor to do honor to both in the eyes of the world.

These remarks have their foundation in the appeal, which it is fair for us to make to the pride of those, by whose act the New-York Institution was created. Such an appeal deserves well to be weighed, but it is insignificant when placed by the side of another, which addresses itself to a better, though less obtrusive feeling—the feeling in which this establishment had its origin; that feeling into which no consideration of self can ever enter, which forms the es-

sence of the divine precept, "do unto others as ye would that others should do unto you." It is not true, that the usefulness and the eminence of an institution for the instruction of the deaf and dumb are separate and distinct considerations. They are indivisibly connected, so that in proportion as the intellectual character of such an institution is elevated, in the same proportion is increased its power of doing good. In its present state, the New-York Institution is capable of performing what it promises, of delivering the captive soul from the tyrant ignorance. Its power is not limited to the bursting of a single link, or to the undoing of a single fetter. Let its character be suffered to ebb away until it shall no longer be regarded with pride by our fellow-citizens, and it would be idle to hope for its continued efficiency in the execution of its task. It would send back annually the unfortunate captives to the dominion of the despot, with chains, it may be, broken, but still hanging about them, encumbering their every motion. Additional means are, therefore, needed to sustain, not only the present character, but to perpetuate the present usefulness of the Institution. On this subject, and in particular reference to the diminution of income, occasioned by the act of the Legislature already alluded to, the Board will feel it imperatively necessary to appear before the Legislature at their present session, with a memorial.

In proceeding to take a survey of the existing condition of the Institution, as it respects the great object of its erection, the Board propose separately to consider, first, what has been, within the past year, actually accomplished; and secondly, what measures are yet prospective, though, in themselves, of pressing importance, and due to the standing which the Institution has assumed. By thus exhibiting statements, entirely distinct, of the grounds on which we may positively claim to have merited something, and of those as to which our deficiency is acknowledged, we shall be able to present the Legislature with a more just view of our actual condition, than would be practicable by pursuing a course less methodical.

With regard to the intellectual character of the Institution, the Board, in their last annual report, expressed themselves abundantly gratified. If reason for satisfaction at that time existed, it exists at present in a much higher degree. Whatever was then merely anticipation, is now matter of experiment. As it respects the em-

ployment of educated men in the province of instruction, as it respects the system of supervision, and as it respects the method of instruction by lectures, though much was expected, much more has been accomplished. Of all these matters, and others, it is proposed to make mention in their order.

In this place, however, the Board cannot but express their gratitude to the Legislature, which, entering into the philanthropic views by which they are guided, resolved at its last session, without a dissenting voice, very materially to increase the public provision for the education of deaf mutes within the limits of the State. It is a noble principle of government, to make the education of the people a prominent object of attention. Much more so is it, to shed abroad the light of knowledge in the minds of those whom indulgent nature seems to have condemned to irremediable darkness. In consequence of the act of the Legislature, to which allusion is here made, forty new pupils have entered the Institution, who would, undoubtedly, else have lived and died in the heart of a christian community, without beholding the brightness of a single ray from the sun of righteousness. This addition, with the increase of that class of pupils, maintained at the expense of their friends, has filled up the accommodations afforded by the building at present occupied, and has experimentally proved its capacity to have been over-estimated when it was presumed that it might accommodate two hundred persons. The number of its inmates is at present between one hundred and sixty and one hundred and seventy. It can possibly contain no more, and is, even now, as the statements already submitted must show, very uncomfortably crowded.

With regard to the general appearance of the large number of pupils admitted, it may be pronounced, on the whole, highly favorable; affording, so far as appearance may be relied on, promise of very satisfactory attainment in future. This class, having commenced their education strictly under the system introduced subsequent to the accession of the present Principal, and in fact, constituting the only entire class, who have done so, as they will afford the first fair test of the merits of that system, so also they are expected to exhibit the first complete verification of its superiority, notwithstanding the results which it has already produced.

The increase of its numbers rendered it, of course, necessary, that the Institution should add to the number of its teachers, and

extend, in general, its facilities for imparting instruction. In conformity, therefore, with the rule requiring all changes of this nature to be reported to the Legislature, the Board have to state, that the services of Mr. Barnabas M. Fay and Mr. George E. Day, both graduates of Yale College, have been secured, and that those gentlemen have embarked in this cause of humanity with praiseworthy zeal.

In making this selection, the Board have continued to be influenced by the motives and the conviction avowed in their last annual report. Talent and thorough education on the part of their teachers they have regarded as absolutely essential. In fact, in the education of deaf mutes, they can hardly conceive of complete success without these qualifications. The nature of the task, indeed, is as widely different from what it may appear to the superficial observer, as order is remote from chaotic confusion, or as the certainty of science is exalted above the vagueness of conjecture. To him whose business it is to convey to the minds of children possessing the privilege of speech, the rudiments of knowledge, an acquaintance with mental philosophy, or a familiarity with metaphysical inquiries, however desirable, is not deemed indispensable. And why? It belongs to him to impart facts, and not principles; knowledge, and not the artificial medium through which the same knowledge is to be made to reappear. It is easy to find instructors of the deaf possessing, to as high a degree of perfection as the deaf themselves, the power of communicating to others facts of whatever description, independently of sound, while they may still be incompetent to the execution of the task to which they are summoned. And the reason is simply, that this great task consists in teaching, not facts, but language; the power of communicating thought through a medium entirely novel, constructed on philosophical principles, out of materials having no peculiar adaptation in nature to the purposes which they are made to fulfil. To the instructor of deaf mutes, therefore, the philosophy of language in general is of more consequence than the nomenclature of any one in particular, and the study of mind in its faculties and its operations is essential to success.

His task is, really, in direct contrariety to popular opinion, eminently intellectual. That its character is generally very little understood, is evident from the nature of the interrogatories con-

[Assem. No. 108.]

stantly addressed to instructors. Among these, none is more remarkable than the question, how is it possible to communicate to deaf mutes the ideas expressed by what are called abstract nouns? while it is never demanded, how are the ordinary usages of language explained, or how are the principles of construction simplified to meet the capacity of this unique class of learners? There seems to exist in this respect a singular opinion, a kind of notion that words, if individually understood, will spontaneously arrange themselves into sentences. Persons who speak, finding themselves rarely embarrassed, in the common intercourse of life, with difficulties of syntax, while they are frequently perplexed by the occurrence of an unfamiliar word, overlook the intricacies of construction which the deaf mute has to encounter, and imagine that the task of his instruction is complete when he is master of a vocabulary. We do not thus reason of ourselves in the case most nearly parallel to that under consideration, viz., the study of a foreign language. It is a small matter that we know the words which, in such a tongue, correspond to others in our own. If we are not also acquainted with the methods of combining those words familiar among persons to whom the language is vernacular, we may read and understand it indeed, but we shall be able neither to write nor to speak it correctly.

It is not, certainly, to be denied, that whatever is absolutely special in this department of education is accomplished when the learner has been led to form a set of ideas corresponding to the words of written language, and to associate the words and the ideas together. Nor is the difficulty of bringing the pupil to the conception of abstract notions to be concealed. No instructor would think of making the word *integrity* or *propriety* the subject of his first lesson. But it must be remembered that the ideas represented by isolated words, become often essentially modified by the relations in which, in combination, they may stand to others; and that, therefore, when we name as the special task of the instructor the methodical development of ideas, and the imposition of a nomenclature upon them, we necessarily include more than the labor of teaching the disconnected words of a vocabulary. Still, even with the execution of this special task, and of that, in addition, which we have already seen to constitute a distinct labor, viz. the creation of the ability on the part of the learner to combine words for the purposes of ordinary intercourse in life, the great business

of education is not completed. It is, in fact, but begun. For, though our own peculiar difficulties are surmounted, what toil is there to which the instructor of youth is any where subjected which does not yet remain to us? The extent of the field spread out before the instructor of deaf mutes may be seen at a glance in the following table, which constitutes a general summary of the present state of the art.

In submitting this concise view, too concise to leave room for any explanatory remark, it is necessary to state in anticipation, that among the instruments of instruction enumerated are some not hitherto introduced into the New-York Institution. These are articulation, and reading upon the lips, stenography, mimography, and syllabic dactylology.

Of the oral and labial alphabets, more will be said hereafter.

Stenography, though holding out the promise of very valuable advantages to the instructor, and particularly as it respects the economy of time, has not, as yet, been subjected to the test of any very fair experiment.

Mimography, which may be defined a species of ideographic writing, representing signs of actions as written words represent articulate sounds, has hitherto, so far as the knowledge of the Board extends, been recognized among the regular instruments of instruction in only one institution, viz. that directed by M. Piroux, of Nancy. There exists at present but a single published treatise expressly on this subject, which a few years since proceeded from M. Bebian, a gentleman formerly professor in the Royal Institution of Paris.

Dactylology is the art of spelling words by means of consecutive positions of the fingers, corresponding to written alphabetic characters or to syllables. Alphabetic dactylology, commonly denominated the manual alphabet, is an instrument in all but universal use. But the dactylology of syllables is not known to constitute a part of the system of means employed in any existing institution. Its great utility has been, however, already abundantly tested in the days of De L'Epeé, by the celebrated and efficient instructor Pereiré, and in our own time by M. Recoing, a French writer, now deceased, who conducted the education of his own deaf mute son with extraordinary success.

With regard to the processes enumerated in the table, (which are of course to be understood as belonging to that department of instruction which is entirely special to this art,) it is necessary to subjoin a single remark, in order to do away the impression which might arise at seeing synthetic definition included among the number. Definition by synthesis is of course impracticable in the earlier years of instruction, before generalizations have been established in the mind of the pupil. But subsequently it is to the deaf and dumb, as to every scholar, a most valuable means of systematizing knowledge, and testing the accuracy of notions previously acquired. With these preliminary remarks the table is presented.

uced to writing.

embracing }
phrases. } Isolated.
figura- }
essions. }
} In combination.

etymology.
on, or syntax.

at dependent upon the
of the pupil, and the
oted to instruction.

} Confined to the
} material world.

1. }
thrown upon the }
2. }
ori: synthesis. }
steriori: analysis. }
exclusion. }
contrast. } Applicable to intel-
lectual and moral
notions.

The Board do not feel it necessary, after this compendious view of the ground occupied by the art of instructing deaf mutes, to add any thing in corroboration of the views, which they have already presented to the Legislature. They have only to express their satisfaction at having been able to procure, in increasing the number of their instructors, men whom they believe competent to fulfil the arduous duties to which they have been called.

During the year that is past, the system of supervision, formerly reported on, has been strictly observed. As it respects the improvement of the pupils in habits, since the institution of this system, no language can be regarded as too expressive of the satisfaction with which it is contemplated by the Board. Supervision in any school is important, but much more so in an institution for the deaf and dumb. No where else is the influence of the teacher's example so powerful or so efficient a means of operating upon the minds, and giving direction to the conduct of his pupils. The effect, also, of the familiar intercourse growing out of this system, between teachers and pupils, is to create a feeling of attachment on the part of the latter, towards those who control them, productive of consequences highly beneficial.

The system of lectures, which, at the date of the last report, had just received the sanction of the Board, was subsequently carried into effect, at as early a period as practicable. With regard to its utility, it is unnecessary to recapitulate the views of the Board already presented. Those views, though resting at the time upon considerations entirely *a priori*, have since been abundantly tested and verified by experiment. The adaptation of the means to the end is demonstrated, beyond the possibility of a question. And the eagerness with which, even the youngest pupils in the Institution, seek to obtain admission to the lecture-room, is convincing evidence that the anticipations formerly expressed, as to the interest with which this new species of knowledge, presented in this novel form, would be hailed, were not incorrect. In the institution of this system, therefore, an additional field of enjoyment as well as of instruction, is opened to the deaf and dumb. And it should be matter of satisfaction to every benevolent mind, to feel that it has been instrumental in contributing any thing to the happiness of those, to whom nature has been so parsimonious of her favors.

The subjects at present embraced by the lectures are, the political, civil and social relations of man; the origin, progress and

present state of the useful and elegant arts; history, ancient and modern; natural philosophy, chemistry and astronomy; universal geography; and natural history. It is proposed to extend them, as circumstances may admit, by establishing courses, on subjects not included among the above.

The single reason which, in the minds of some friends of the institution, rendered the success of the lecture-system problematic, seems to have been a belief, that alphabetic language is essentially necessary to the systematic communication of knowledge. The reverse, however, is strictly the truth; and the proposition cannot be too often repeated, or too strongly impressed upon the minds of those who think upon this subject, that knowledge of some sort at least, is essentially necessary to instruction in language. What are words but the nomenclature of ideas, and how shall ideas be named before they are conceived? Language is a structure entirely artificial. It is the engine by which we use the accumulation of facts, or of truths which we possess, but, let it be remembered, it constitutes no portion of that mass; it is the instrument, and the instrument only. It follows, therefore, that if instruction in language is indeed practicable with deaf mutes, instruction in the knowledge of facts is much more so. And, further still, such knowledge may precede that of language by any space of time; nay, more, and experience verifies this assertion, facts to almost any extent may be communicated to those, who could hardly acquire language with any length of application. This is true of the many, who have become advanced in years without instruction, though possessed of ordinary strength of intellect.

Written words are to the deaf, assemblages, entirely arbitrary, of characters equally arbitrary in their form. To retain these combinations in the mind, with no association of whatever description on which to rest, requires a positive effort of the memory, beyond the ability, we have reason to believe, of many who hear and speak. For it must be borne in mind, that we in speaking never spell, and that indeed our power to do so is consequent upon our ability to speak. How many, if forced to enunciate words *literatim*, with no knowledge of sound to aid them, would find their ability to communicate their thoughts absolutely destroyed? The reason is this, that memory, however powerful when resting on the fulcrum of an association, becomes, when thrown upon its own resources, after having been long indulged in

habits of dependence, weak and impotent. Facts will therefore be retained; for facts are allied to facts, or if existing separately, exist, of course, simply. But words require positive and unassisted effort to retain them; and in the multiplicity and minuteness of their elements, present a species of complexity, which a mind untrained to the task in early life, is utterly unable to grasp. Here then, is the reason why we may always assume the practicability of communicating a knowledge of facts to all the deaf of ordinary natural intelligence, while we cannot, with equal certainty, expect to make the entire number masters of written language, and in many instances, must be, indeed, compelled, when the pupil is advanced in life, to leave the task half completed. Happily our laws (and this is the very reason) are so framed as to embrace the ages most favorable to the commencement of an education; ages during which experience has universally demonstrated the power of memory in all minds of ordinary endowments, sufficiently independent of association, and sufficiently nervous to retain the orthography of the longest words and the construction of the most complicated sentences.

The system of lectures having become incorporated into the plan of instruction pursued in the Institution, a necessity of course arose to provide an apparatus for use in illustrating by experiment the great laws of nature, and rendering intelligible the causes of its various phenomena. The resources of the Institution would not, however, admit of large expenditure, and nothing more than a beginning was therefore attempted. Imperfect, notwithstanding, as is the apparatus at present, it embraces the necessary instruments for exhibiting the most important experiments in mechanics, hydrodynamics, pneumatics, electricity and magnetism, with some of the most useful in optics, including optical illustrations of astronomy.

A complete set of model lessons in linear drawing, imported directly from Paris, has likewise been presented to the Institution by Mr. Vaysse, under whose direction a class has been formed for the cultivation of this art, and has been for several months in a course of instruction.

To supply the deficiency complained of in the last report in respect to books for occasional reading, a library has been procured expressly for the use of the pupils, consisting of 100 volumes se-

lected with care. These books, though perused, and perused with advantage by the industrious, have nevertheless, not as yet been in as high demand as the Board hope hereafter to see them. Among the evils resulting from the facility of communication afforded by the sign-language, it is not the least that a taste for reading is constantly repressed. Words not familiar to the pupil must necessarily be of frequent occurrence, and when so, the book is too often abandoned for the momentary gratification of conversing through a medium perfectly intelligible. We all recollect the impatience with which we ourselves in early life, have labored through an embarrassing sentence in a foreign or a dead language. Deaf mutes in reading our vernacular tongue, must long experience a similar feeling.

It is true, indeed, that, in the nature of things, the books which we present to them, cannot partake of that living interest, which attaches itself to events passing immediately under their eyes, or contemporaneously in the world around them. They cannot come with intelligence of things, which, as they relate to matters still pending, or momentarily occurring, seem to have for them something of individual or personal interest. In this consideration, is to be found the second great reason why reading seems to possess for the deaf mute so few attractions. The two, combined, form a strong obstacle in the way of his improvement, so strong indeed, as to have led one writer, Mr. Arrowsmith of London, to disapprove entirely the creation of deaf mute communities, and to advocate rather the separate education of each individual, in the midst of those who hear, in which situation he would be constantly compelled, by the most powerful of motives, stern, uncompromising necessity, both to read and to write.

Since the date of the last report, the third biennial circular, from the Royal Institution at Paris, has been received. The object of this publication, a most laudable one, is to concentrate the results of experiment, and the deductions of observation, in this particular department of education, and thus, by making the experience of many available to all, and the opinions of many universally known, to accelerate the progress of improvement. The present number extends itself to two hundred and seventy octavo pages, and briefly notices the eleventh and twelfth reports of the New-York Institution. But the fourteenth report, which this Board, but a year ago, had the honor to submit to the Legislature, has met with a

more positive expression of approbation abroad. In the seventeenth report of the ably conducted institution at Claremont, near Dublin, large extracts are made from the body of that document, and the two principal articles of the appendix, with a composition of one of the pupils, are republished at length. This circumstance, in itself highly gratifying, is rendered more so by the fact, that the Claremont report alluded to, with several of earlier date, was directly transmitted to the New-York Institution, through a gentleman, member of the board of trustees, on a visit to America, and that the occurrence was entirely unexpected.

The same report of this Institution has met a response from Mr. Kinniburgh of Edinburgh, who has been so kind as to transmit a number of books, prepared by himself for the use of his own school.

The Board look with high gratification upon these evidences of public opinion abroad, as it respects the character of the Institution confided to their care. From London, they have as yet received no direct communication. Yet they are assured that Mr. Watson has expressed his willingness, and indeed his purpose to communicate with them freely on the subject of his methods, and they feel no trifling pleasure in contemplating this proof of the good feeling which seems to exist toward them in this and in every other quarter.

It will be seen, therefore, that from those European cities, with which our country is in more immediate and constant intercourse, the testimonials of respect which we have received are amply satisfactory. From the continued interchange of good offices, and the expression of friendly feeling, we cannot but hope for the most pleasing consequences.

The Board have thus far, confined themselves principally to the consideration of matters hitherto reported on, the importance of which seemed to demand that a renewed mention of them should be made; of the recent measures incidentally growing out of these; and of circumstances entirely casual, which could no where else be more properly noticed. These topics having been disposed of, the appropriate place has arrived for the introduction of others, in which the Institution, according to the anticipation expressed in the last annual report, has proceeded to perfect its methods of instruction.

[Assem. No. 108.]

Among the improvements of this nature, which the past year has originated or perfected, the Board view with particular satisfaction, the reduction of the principles of grammar to a visible and symbolic form. Grammatical rules and grammatical distinctions, like the fundamentals of every other science, presuppose generalization. But the minds of deaf-mutes, accustomed always to fasten upon particular and well-defined objects, conceive with great difficulty the apparently limitless notion of an universal judgment. Something palpable, something simple, something individual, and itself within the circle of familiar things, is demanded by the mind, as a prop on which it may rest, while it strives to push its conceptions into the region of the purely intellectual. Metaphysicians tell us that the great advantage, which the speaking world derive from the use of language, is the power of comparing, contrasting, combining, in short, familiarly using ideas, which it would be utterly impossible for the mind, with a single direct effort, to grasp. And the reason is obvious, that articulate sounds, or in other words simple signs addressing themselves to sense, stand as the representatives, and, in truth, occupy the places of all notions of whatever nature, how far soever they may be removed from the domain of the palpable. Upon the same principle, before this system of signs, that is to say, before alphabetic language is understood, signs of a different species portraying the philosophy of this system, and serving as an auxiliary to its acquisition, may be interposed between it and ideas themselves; not indeed as the representatives of those ideas, but as a ideographic exhibition of the laws, according to which the alphabetic combinations, which are the real representatives, must arrange themselves in the enunciation of a judgment.

This, in general terms, is the office, which grammatical symbols fulfil. It is not thought necessary in a document of this nature, to consider them in their particular uses and applications. Their utility is perhaps set forth in a more popular form, in an article published in the Commercial Advertiser, on the 16th of August last, and subjoined in the appendix to this report.

It is by no means claimed for the New-York Institution, that the idea of grammatical symbols was there absolutely originated. Such symbols were employed by Sicard; but not to the knowledge of this Board, farther than to distinguish the different species of elements which compose a language. And these characters of Sicard constitute the basis of the system now in use with us. It

is due to justice likewise to say, that building upon the same foundation, the American Asylum has followed the inflections of language with corresponding symbolic modifications. It is only claimed for the instructors in New-York, that the method which they have pursued in developing the system is philosophic. Any set of characters may be arbitrarily devised, to serve in registering results, or to stand as the conventional representatives of ideas in any branch of human knowledge. In arithmetic for example, abandoning the beautiful simplicity and system of the decimal scheme, or of any other subject to similar laws, we might establish a substitute as destitute of method as the tables of weights, measures and currencies. Or we might even, disregarding all method, contrive new characters for new numbers as they increase *ad infinitum*. But in so doing we should overthrow the whole science of arithmetic, and, so far from deriving any assistance in calculation from our notation, we should make the notation itself an intolerable burthen to the memory. Governed by considerations of this nature, the New-York school of instructors has aimed to make the symbols of grammar a means of positive aid in the task of instruction, and not a mere set of mnemonic figures.

It is believed indeed, that these symbols might prove a valuable auxiliary in other schools than those for the deaf and dumb. The utility of visible illustration is, at the present day, universally acknowledged, in whatever department of education, and to whatever subject applied. Hitherto, in our ordinary schools, grammar has been taught entirely through the ear. The practicability of depicting its principles so that the eye may in any degree facilitate their acquisition, is not even suspected. That which we do with profit for the deaf and dumb, may certainly be done with a much higher degree of advantage for those who hear. But as the interests of this latter, and most numerous class of learners, are not committed to the keeping of this Board, it would constitute a departure from the purpose of the present report, to pursue the inquiry how far the instruments of instruction, especially devised for the one, might be useful to the other.

Another, and an important change, which has been gradually introduced within the past few years, may at length be announced as having been finally consummated. In order that it may be understood, it is necessary to premise a few observations respecting the nature of that language, which may be called vernacular to

deaf mutes. It is a remarkable fact, that, in a state of ignorance, this unprivileged portion of the human family themselves, create the means of communicating with the world around them. Each individual presents the phenomenon of an immortal and thinking spirit, pent up within, what is, without a metaphor, to him a prison-house of clay. The imprisoned spirit seeks to effect its escape. It longs to break down the blank wall of separation which divides it from its fellows; it longs to experience the joy of mingling its feelings with those of a kindred spirit, and blending its essence with one of like passions and emotions as itself. It feels, as none else can feel, the truth of that aphorism, put forth by the Creator, while the earth was yet desolate—"it is not good for man to be alone."

In endeavoring to communicate with his fellow, the deaf mute is compelled, in the absence of words, to resort to the indication of present objects, and to the delineation, by motion and gesture, of those which are absent. Ideas, belonging to the world of intellect solely, he must call up strictly by metaphoric representation; since he presents a material emblem of that which is truly ideal. As the facility, however, with which he finds it possible to make himself understood, increases, his language extends itself until it becomes as copious as the circumstances of his situation will allow. This language he brings to the institution, in which he is to receive his education. He meets with many, who, in like manner, have constituted their individual languages; but who, by common consent, abandon them for the more copious dialect, which results from the combination of the whole. This dialect constitutes, in every institution, the medium of familiar intercourse. As a means, therefore, of communication, it is available to the teacher. It is, indeed, a most valuable means. It constitutes the basis of almost every other, and, if the language of action were entirely excluded from every system of instruction, the education of the deaf and dumb would be a hopeless task.

This language, like every other, so far as the dictionary of its signs extends, admits of direct translation. The palpable sign fixed on to represent a given idea, is, in itself, of little moment; provided the idea is distinct, and the sign conventionally determined. No special labor, therefore, is necessary, in leading the deaf mute to recognize words as the signs of those ideas, for which, he has himself, instituted signs of action. Accordingly, were the

language of action as copious as that of speech, and were the signs of the one parallel to those of the other, representing, in short, absolutely the same ideas, then the tabular view which we have presented in a preceding page would be rapidly reduced in its compass, and the task of instructing the deaf would exact no processes unknown in ordinary education. Translation would constitute the sole means necessary, and the art, as an art, would no longer possess any distinctive characteristic. But the language of action is not what this hypothesis assumes it. In the first moment of its conception, therefore, it was a beautiful and a plausible project, so to develop this language, that the dictionary of its signs might perfectly correspond with that which embraces the words of written language. Such a development being achieved, the gordian knot is loosened; and the labor deemed for centuries impracticable, and, in our own time, toilsomely and tardily effected, is reduced to the mere exchange of one set of signs for another. This was the fond project of the excellent De l'Épée, and this was the aim of all the exertions put forth by his distinguished successor. But as the project was itself chimerical in the beginning, so the labor and the talent spent in carrying it in execution were spent in vain.

It is possible, indeed, and this possibility is fundamental in our art, to develop ideas without the aid of sound, and to give them artificial signs. But it is as easy to make these signs alphabetic, as to render them signs of action. How this proposition, as undeniable as it is simple, should have escaped the observation of so acute a mind as that of Sicard, it is difficult to understand. Such, however, was the truth; and the consequence resulting from it was, that the system of signs, denominated *methodical*, constituted with him the study and labor of his life.

But the plausibility of the fundamental notion, since it was sufficient to deceive that great philanthropist, with not a few besides, who have subsequently adopted his views, may perhaps, render some further examination proper in order to show the impracticability of reducing the education of the deaf and dumb to mere translation. Were the phenomenon to exist, of a whole nation without hearing, they would probably establish to themselves a language, not dissimilar in its elements from the system of *methodical signs*. For this language would be made up of gestures, as brief, as numerous, and possibly as arbitrary, as words. But this language would very essentially differ from the other, in the fact

that, being colloquial, it would be constantly presented to the eyes of children; it would be caught by them in infancy, and become the means of giving to their ideas the same expansion, which speech effects in the case of others.

Methodical signs, however, do not constitute the language of those who surround the infant deaf mute. They are presented to him only after his arrival at the institution. They are established only to record the results at which the teacher and pupil arrive together. They are made the representatives only of those ideas, which, in the process of instruction, become the common property of both. And they are made the representatives of these ideas only in an isolated form. They do not, in fact, become colloquial.

Methodical signs, therefore, can never partake in essence, however they may seem to do so in form, with a visible language, constituting *de facto* the medium of communication between man and man.

Yet, from the fact that they are artificially constructed, to correspond to the vocabularies of written languages, they may afford the means of dictating verbatim; any combination of words; whether its value as a proposition or as a portion of connected discourse be understood or not, or whether it has, in fact, any meaning at all, or on the other hand, consists merely of unintelligible gibberish. The name of a language is, therefore, inapplicable to them; since they do not possess the character of a medium of communication; since in combination they never serve to enunciate a judgment; since, like grains of sand, they are without cohesion; and, however closely they may imitate the grammatical forms of written languages, they present these forms in a garb no more intelligible to the learner, than alphabetic characters themselves.

To say, therefore, that methodical signs admit of translation, is a perversion of terms; if translation be understood in its widest and most important meaning; in fact, the only meaning of consequence to the present argument. To translate really, is to enunciate the complete sense contained under a given combination of signs, by means of another combination, made up of signs entirely different. When a school boy, by help of his dictionary, renders for each word of a Latin sentence, a corresponding English word, without regard to the signification of his author, we do not think of digni-

fyng his performance with the title of translation. And, in like manner strictly, when, for each of a succession of methodical signs, a corresponding word is elicited from the pupil; to apply to this automatic process the name translation, is to give to [that term a signification entirely new, or at least, aside from the purpose of the present argument.

The method of Sicard in constructing his system of methodical signs, was, first, to define or illustrate each new word, by means of a group of colloquial or *natural* signs, (as they are, not very properly, called,) constituting something like a circumlocution in speech; and from a consideration of this group, to devise some brief sign, named a *sign of reduction*, to stand as the representative of the whole. His published dictionary, denominated by him the "*theory of signs*," is composed wholly of such definitions, unaccompanied however, by corresponding signs of reduction; and is, therefore, as we are informed by M. Degerando, far from conveying a correct idea of his practice.

Our American schools have hitherto pursued the system of Sicard, making methodical signs the great dependence in instruction. But it has been only for words of most frequent occurrence, that signs, strictly methodical, have been instituted. Beyond this limit the complex sign, the circumlocution has been retained without reduction, while the plan of *verbatim* translation or dictation having been still pursued, the system has failed of that lightness, simplicity, and that adaptation to the purposes of rapid execution, which its theory presumes: it has become unwieldy in its material, and burdensome in its use; retarding the labors of the instructor, and seriously impeding the progress of the pupil.

As an instrument of instruction, therefore, methodical signs have been abandoned in the New-York Institution. The means, on which the principal reliance is now placed, are the language of action, so far as it is in familiar use, writing, symbolic grammar, design, and the manual alphabet. The employment of words themselves, is considered preferable to that of signs, instituted for the sole purpose of recalling the same words.

Having now terminated the review of the past year, the Board proceed to consider the second general topic preposed, to wit: those measures of improvement, which they deem it desirable to introduce, at as early a period as possible. There exists at present, ac-

knowledge deficiencies in American institutions, which it is the earnest wish of the Board to supply without delay, at least, so far as they are responsible for the perfection of the art in this country.

An early attempt was made in the New-York Institution, to cultivate articulation. But the experiment was not perhaps continued a sufficient length of time to test the practicability of success, or to determine the expediency of incorporating this instrument into the general plan of instruction. At the time alluded to, in fact, there existed, in this important particular, nothing like unanimity of opinion among instructors, either at home or abroad. The art of instructing the deaf and dumb had not settled down upon certain fixed principles; its theory had been but imperfectly explored, and the results of experiment had been but partially collected and compared. The attempt was therefore abandoned, in order to avoid in the infancy of the establishment, any measure, which, in the minds of its friends, might be of doubtful utility.

Greater experience, a more careful comparison of results, and a more philosophic method of investigating the general subject, has, almost entirely put an end to controversies once so pertinaciously maintained. The measure is no longer regarded as doubtful, by the great majority of instructors in Europe. And our own Institution has now acquired a stability, which would justify a renewed experiment, were it not so. It is only by experiment, that projected improvements can be tested; and it is only in institutions securely established, that experiments can be fairly conducted.—With regard to the instrument under consideration, it must be confessed, that there has prevailed almost universally among the instructors of American institutions, a predisposition to believe it unavailable, or to distrust its utility if otherwise. The origin of this feeling is, without a question, to be found in the strong predilection which has existed for the methodical signs of Sicard; and in the acknowledged fact, that articulation cannot be taught, with advantage to all the deaf. But the disciples of Sicard have been even more exclusive in their preferences than their master, enthusiastic as he unquestionably was in the support of his own fondly cherished system; and have entirely overlooked, not merely his practice, which early embraced articulation, (as did that also of De L'Épée himself,) but further, the latest public expression of his opinion, in which he avowed his conviction of the importance of articulation, and of the imperfection of any system, in which it is not embraced.

The utility of articulation, assuming it to have been successfully taught, in conjunction of course with the power of reading on the lips, will not be questioned by any one who would not also question universally the utility of speech to man. The only difference of opinion is as to the practicability of this species of instruction. Upon this point, it is well to examine the evidence. The Dr. Itard, physician to the Royal Institution at Paris, in his labored work *des maladies de l'oreille et de l'audition*, has distinguished five degrees of infirmity of hearing:

1st. That in which articulate sounds are perceptible, when pronounced at an elevated tone of voice.

2d. That in which analogous articulations are liable to be confounded.

3d. In which articulation is lost, and intonation is alone distinguishable.

4th. In which heavy peals, as of artillery or of thunder, only are perceptible, and the human voice no longer produces an impression upon the ear.

5th. Profound deafness.

Supposing the calamity, in every instance, congenital, the lower degrees of the above scale certainly hold out very encouraging promise of success to the teacher of articulation. But allowing that deafness has supervened at a later period, then instruction in articulation may be merely the revival of knowledge early acquired, but subsequently lost, from having fallen into disuse. Our country, at this moment, presents us with a remarkable phenomenon, in the existence of three mute writers of poetry, all profoundly deaf. It would be absurd to say that these could not acquire the power of articulation. Accent and syllabification are theirs already. Their rhymes are almost invariably perfect; and their rhythm, the very particular in which, more frequently than in any other, as editors at least are aware, numbers of those who hear are deficient, is astonishingly faultless. In proof of this assertion are appended some brief productions, already published, of two of the number; one having been extracted from the last report of the American Asylum. The poems of Nack, however, are too numerous, and too well known to require particular citation here.

Should doubt have existed as to the main proposition whether articulation can be taught to the deaf, the Board would be disposed to consider it settled, even were not the evidence of experiment at hand, by the fact just adduced, joined with the consideration, that more than half the inmates of our institutions, as appears from the collected results of observation presented in the last biennial circular from Paris, have come into the world in the full possession of the faculty of hearing. But, they believe also, that many affected with congenital deafness, may be instructed in like manner; and especially those belonging to the first and second classes of Itard.

Their deafness often, as Degerando has remarked, is more apparent than real; and the faculty of hearing is capable of improvement by cultivation. It results from the entire distraction of the attention from impressions received through this channel, that the power of perception has grown dull for want of exercise, as the fingers of an artist lose their dexterity during a season of relaxation. We know the acuteness of discrimination which the ears of the blind acquire, as well as their delicacy of touch, which enables them sometimes to distinguish colors. This is the consequence of a strong concentration of the attention toward the sensations produced from without, upon the nerves of a single sense. It is rational, therefore, to conclude, that an entire disregard of those sensations, must be followed by a corresponding apparent insensibility in the same organs. And hence, with the removal of the cause, we may reasonably hope to see a positive diminution of that dullness, which is the accumulated effect of its long and unsuspected action. Thus, in proportion as the attention can be fastened upon sounds, it will more accurately distinguish between the various articulations of the human voice. Add to this, the undeniable proposition, undeniable because resting on the evidence of experiment, that even the profoundly deaf may be taught to articulate, and to read language on the lips of a speaker; and certainly the argument is a strong one in favor of introducing articulation and the labial alphabet into our system of instruction.

It is a fact, that there exist at present in the New-York Institution; a number of pupils, who already possess, to a considerable extent, the power of articulation. They are even capable of employing language, in some degree, as a means of communicating their thoughts to others, though they hear very imperfectly, and

read upon the lips more imperfectly still.* Had these pupils been taught to read before the power of hearing was taken away, the necessity, in their cases, would not have existed, of becoming inmates of an institution for the mute. But, as the power of articulation is entirely distinct from that of comprehending written words, since speech and writing address themselves to different senses, it becomes a labor altogether special, when sound is no longer perceptible, to establish a principle of association between articulate elements and visible characters. Half the task is removed, when the power of articulation to some extent already exists. The condition, therefore, of the New-York Institution, is peculiarly favorable to the introduction of articulation.

To effect this object, however, an increase in the number of instructors, and, of course, in the expenditures of the establishment is unavoidable. It is this circumstance only, which has prevented the formation of an articulating class, at an earlier period than the present.

The time has gone by when articulation, on the one hand, or the language of action, on the other, found an exclusive champion in the person of every instructor; and when, like the standard floating in time of war over the walls of a fort, the one or the other of these instruments was understood to determine the belligerent character of the institution adopting it. Without departing from the general method which we have hitherto pursued, it is considered practicable to establish a branch devoted chiefly to articulation, which may at least meet our palpable necessities, without at present increasing the amount of our annual expenditure beyond what would be required to secure the services of a single additional teacher.

It need only be remarked further, that, in almost every institution of high character abroad, and the total is more than one hundred,

* In the case of one of these individuals, a number of lessons have, as a mere experiment, been already given, with results sufficiently encouraging. The degree of deafness, in this instance, would correspond to the second in the scale of Itard. And it may here be observed, that of persons previously mute, the greatest number of pleasing articulations will usually be found among those belonging to this class; since the next below, according to Itard, embraces scarcely two and a half per cent of the total; and since the ear will, in the case of these, control considerably the quality of the voice, which cannot be true in that of those belonging to the third, fourth and fifth classes.

articulation and the labial alphabet are at this moment taught. The use of methodical signs is discontinued in the very school in which they had their origin; the Institution of Paris has entirely changed its ground, and articulation is taught in all its classes. Even religious exercises are there no longer conducted by signs; but public prayers are daily articulated in presence of the pupils.

Another deficiency of American institutions, which it is exceedingly desirable to supply, whether articulation be at present introduced or not, consists in the want of a series of designs judiciously chosen and arranged, to constitute an auxiliary in the application of language. Of this instrument, some use, it is true, has already been made; but it has been confined to the mere exhibition of things, with their names. The utility of design is far from being circumscribed within so narrow limits. In fact, as the use here indicated is the most obvious, so it is the most unimportant, to which the instrument can be applied. It is a trifling matter to picture things alone. They should be presented in combination, as standing in certain relations to each other; as affecting each others' condition, or, in other words, as acting or suffering; and as possessing qualities absolutely, or with difference of degree. Design should be employed allegorically, to assist the language of action, in the explication of ideas pertaining to the intellectual and moral worlds. It should, in fact, appear as often as a real image, or a metaphor can be of assistance in elucidating the idea under consideration. In this view of the subject, it is desirable, of course, that the instructor should himself be able to execute on the spot, such rude sketches at least as may serve to recal the images of things to the minds of his pupils. But, if so, how much more desirable that he should possess a *system*, arranged on philosophic principles, and suited to aid him in every difficulty. In Europe, the utility of design is appreciated. Several attempts have already been made to execute a system, among which, none seems deserving of higher approbation, (we speak, however, only from partial examination,) than that of M. Piroux of Nancy.

It would undoubtedly be the cheapest course which could be pursued in supplying our Institution with designs, rather to cause them to be executed in this country, than to import them from abroad. Could several institutions be induced to combine their means, for the purpose of defraying the expense, a valuable series might be created, without imposing a severe burthen upon any one.

At present, however, and hitherto, the New-York Institution is, and has been deficient in the means necessary for procuring, without the co-operation of others, such a system as the exigencies of the art, in its present state, seem to require, and such a system as would be likely to do honor to our reputation abroad.

There is a third deficiency which it is necessary to mention, though it is not here for the first time presented, and that is with regard to elementary books. Long as the art of instructing deaf mutes has been in existence in America, not a book has been prepared for that class of learners, which has stood the test of experiment. Indeed, but very few attempts have been made to effect this object; and at this moment, the exercises of the school-room are conducted without a printed guide. The Board feel that there is a deficiency which it is incumbent on them, at least for their own school, to supply. Their teachers are ready to put the press in requisition, as soon as such a step is practicable; and its practicability is dependant entirely upon the state of the pecuniary means of this Board. In other departments of education, elementary books are deemed indispensable. The labor of making manuscript copies of the daily school-room tasks, so far from being deemed advisable, is never even thought of. Should it be demanded, how it happens then, that institutions for the deaf and dumb, have continued, to this time, to be conducted without books,—the answer is two-fold—first, the natural unwillingness of teachers to lay before the public any thing, which had not passed the ordeal of an experimental test; and, secondly, the limited means of our Institutions; for, the small demand existing for such productions, throws upon the Institution almost the entire expense of their publication. As it respects the New-York Institution, this latter reason, is, at present, by far the most cogent. Could it be removed, the standing of the Institution might be at once exalted, even above its present elevation, by steps, the most certain and the most rapid.

The extent of the deficiency cannot be known to the superficial inquirer. A text-book, or guide for elementary instruction in language, is, of course, the first requisite. But, aside from this, we require a system of nomenclature, logically arranged, as auxiliary to the same object; and, we require, further, books, especially prepared for this class of learners, upon every subject of knowledge, with respect to which, it may be considered judicious to instruct them. The frequent use of grammatical symbols, renders it neces-

sary, also, to resort to the type-foundry, even before we are ready to demand the assistance of the press. And, thus, in every quarter, obstructions, to the main design of printing, are constantly springing up; the expense of publication is increased beyond that of books in general; and the whole burthen is thrown upon the treasury of the Institution.

Under these circumstances, it has been matter of consideration, whether the employment of lithography might not render the execution of designs and the multiplication of lessons, less expensive and more expeditious than the ordinary processes of engraving and printing; and whether, in fact, it would not be for the interest of the institution to possess a lithographic press exclusively for its own use. Or better still, to make the art of lithographic printing, one of the mechanical employments of the pupils, and thus to derive from it a positive advantage, sufficient, at least, to cover its expense to the Board.

Aside from the cheapness with which printing can be executed from stone, it is an advantage of great moment, that lessons may be struck off in the greatest variety, with a very trivial expenditure of time, and with hardly the possibility of typographical error; that the writer is not compelled to take into consideration, in the construction of tables, and the employment of characters, what can, and what cannot be done with a fount of type; that, therefore, the greatest exuberance of symbolic explication is admissible, and the relative situation of words and phrases upon paper, on which the felicity of verbal illustrations, is much dependant, can be fixed at pleasure.

With this, is terminated the consideration of whatever is yet prospective in the operations of the institution. For another year the Board have thus brought their labors to a close, amid the most abundant and the most gratifying evidence of the present prosperity, the increasing usefulness, and the extending reputation of the establishment, which they are called to direct. At no former period have they been able, with a higher degree of honest satisfaction, or of honorable pride, to present to the Legislature their annual returns, relative to its past management, and to its existing condition. In all human undertakings it is natural to man to attribute success to the wisdom of human counsels. The blessing of heaven, it is true, is not often bestowed upon the slothful, nor is it among

the ordinary dispensations of Providence to bring to a happy issue, ill advised and improvident measures. Yet, without that blessing, even the wisdom of man is foolishness, and the strength of man is weakness. In view, therefore, of what we have been permitted to accomplish, it becomes us, gratefully to acknowledge the manifest favor of that Being who has made strong our feebleness; who has hitherto continued steadily to increase our means of doing good; who has always, to the present moment, been our shield against calamity and our deliverance in time of danger; and, in fine, has once again signally "crowned the year with his goodness."

By order of the Board.

JAMES MILNOR, *President.*

H. P. PEET, *Secretary.*

DOCUMENTS.

LIST OF PUPILS

In the New-York Institution for the instruction of
the Deaf and Dumb, December 31st, 1833.

State Pupils.

<i>First District.</i>		RESIDENCE.	
Names.	Town.	County.	
Robert Leeder,	New-York,	New-York.	
Ellen Martin,	Albany,	Albany.	
James McGowan,	New-York,	New-York.	
Joel Rogers,	Skaneateles,	Onondaga.	
Franklin Howell,	Brook-Haven, ...	Suffolk.	
Jeremiah W. Conklin,	Huntington,	do	
Nathan M. Totten,	do	do	
Frances P. Hammond,	New-York,	New-York.	
Charlotte Howell,	Brook-Haven, ...	Suffolk.	
John Thompson,	New-York,	New-York.	
Josiah Jones,	do	do	
Catharine Conner,	do	do	
Andrew Pierce,	do	do	

Second District.

John Larmer,	Mamaroneck, ...	Westchester,	
Charles Westcott,	Clarkson,	Monroe.	
Abel B. Baker,	Newburgh,	Orange.	
Mary M. Crain,	Pharsalia,	Chenango.	
David Bise,	Austerlitz,	Columbia.	
Maria Emeigh,	Woodstock,	Ulster.	
Joseph H. Smith,	Warwick,	Orange.	
Elias Johnson,	New-Paltz,	Ulster.	
Jerusha Wiley,	Clinton,	Dutchess.	
John Benedict,	Walton,	Delaware.	
Emeline Banks,	do	do	
Rhoda Worden,	New-Paltz,	Ulster.	
Taber Bentley,	Union Vale,	Dutchess.	

Third District.

William P. Field,	Troy,	Rensselaer.	
Betsy Martin,	Albany,	Albany.	
Gilbert C. W. Gamage,	New-York,	New-York.	
Eliza Stewart,	Hillsdale,	Columbia.	

[Assem. No. 108.]

RESIDENCE.

Names.	Town.	County.
William Rossman,	Livingston,	Columbia.
Peter Siver,	Guilderland,	Albany.
Patrick O'Brien,	Troy,	Rensselaer.
Susan Lagrange,	New Scotland, ..	Albany.
Abraham Conklin,	Coeymans,	do
Frances Gennet,	Albany,	do
Susan Bortle,	Coxsackie,	Greene.
Laura Williams,	Troy,	Rensselaer.
Mary Scranton,	Cobleskill,	Schoharie.
Ann Maria Mullen,	Athens,	Greene.
Jacob Lagrange,	New Scotland, ..	Albany.

Fourth District.

Joel J. Strong,	Malone,	Franklin.
Jonathan Vanscoy,	Greenville,	Greene.
Ira Lewis,	Preston,	Chenango.
Robert Cummings,	Putnam,	Washington.
William P. Phinney,	Champlain,	Clinton.
George Steele,	Mooers,	do
Mary Jane Smith,	De Kalb,	St. Lawrence.
Catharine White,	Plattsburgh,	Clinton.
William Varino,	do	do
Joseph H. Perrigo,	Greenwich,	Washington.
Eleanor Reid,	Argyle,	do
Martha Sweet,	Morgan,	Saratoga.

Fifth District.

Daniel Johnson,	Otselic,	Chenango.
Ann Reeves,	New-York,	New-York.
Isaac Bragg,	Watertown,	Jefferson.
John H. Atkins,	Troy,	Rensselaer.
Eliza Ann Cornell,	Busti,	Chautauque.
Timothy Pickering,	Chateaugay,	Franklin.
Lydia Atwater,	do	do
James Alexander Waterson,	Vernon,	Oneida.
Sarah Griswold,	Utica,	do
Miranda Chapin,	Rutland,	Jefferson.
Marcus Whitney,	Henderson,	do
Alonzo Lum,	Ellisburgh,	do
Mary Holt,	Little-Falls,	Herkimer.

Sixth District.

Monica Richards,	Parma,	Monroe.
Anson F. Paige,	Owego,	Tioga.
Jason Vanscoy, ..	Greenville,	Greene.
Lovinus B. Taylor,	Harpersfield,	Delaware.
Mary Ann Dickinson,	Westchester,	Westchester.
Juliette Dickinson,	do	do
Hiram T. Lockwood,	Colesville,	Broome.
Jane Arnold,	Tyrone,	Steuben.

RESIDENCE.

Names.	Town.	County.
Elnora Brockway,	Cortlandville, ...	Cortland.
Harriet Denton,	Newfield,	Tompkins.
Susan Westcott,	Ithaca,	do

Seventh District.

Jane Vanscoy,	Greenville,	Greene.
Rosetta Crooker,	Oyster Bay,	Queens.
Lucien D. Wood,	Auburn,	Cayuga.
Mary Lamperson,	Huntington,	Suffolk.
Mary Keith,	New-York,	New-York.
Charlotte A. Reed,	Sodus,	Wayne.
Isaac Garrett,	Williamson,	do

Eighth District.

Ransom Driscall,	Green,	Chenango.
Martin Crandell,	Ghent,	Columbia.
Ursula Wilson,	Hosick,	Rensselaer.
Thomas Wilson,	Portland,	Chautauque.
Ira McManners,	Clarendon,	Orleans.
Jane Milhench,	New-York,	New-York.
Emery Munger,	Warsaw,	Genesee.
Margaret Karnes,	Leicester,	Livingston.
Harriet N. Smith,	Pomfret,	Chautauque.
Louis Barry,	Gates,	Monroe.
Mary Bishop,	Conewangus,	Cattaraugus.
James Day,	Greene,	Monroe.
Cornelius H. Reynolds,	Belfast,	Allegany. 97

Pupils supported by the supervisors of the county of New-York.

George W. Swan, New-York.	Louisa Young, New-York.
John Shotwell, do	Mary Trainer, do
Timothy D. Townsend, do	Sarah E. Wayland, do
Caroline Bennett, do	Mary A. Wayland, do
Francis McCommisky, do	Nicholas Farrell, do 11
Harriet C. Gamage, do	

Pupils supported by the Legislature of New-Jersey.

Names.	Towns.	Counties.
Hannah Webster,	Plainfield,	Middlesex.
James Noe,	Perth Amboy, ..	do
Elizabeth Williams,	Orange,	Essex.
Elizabeth Harrison,	do	do
Catharine S. Rogers,	Cedar Creek,	Monmouth. 5

Pupils supported by the New-York Female Association.

RESIDENCE.

Names.	Towns.	Counties.	
Daniel Lafferty,.....	Mamaroneck, ...	Westchester.	
James Oliver Clark,	Jersey City,		
Emily Vandell,	Staten Island,		3

Pay Pupils.

Names.	Towns.	Counties.	
John Toohey,.....	New-York,	New-York.	
Elizabeth Webster,.....	Plainfield,	Middlesex, N. J.	
Ann Maria Mabbett,.....	Washington,	Dutchess, N. Y.	
Susan Swift,	do	do	
Thomas Bigger,.....	Mount-Pleasant, .	Upper Canada. -	
Alicia Wilson, ,.....	Newburgh,	Orange, N. Y.	
Isabella Wilson,	do	do	
Stewart W. Speir,	Ballston Spa, ...	Saratoga.	
Alexander McDugald,	Fayette co. N. C.	
Eunice A. Ivey,	Newbern,	do	
Hamilton Strong,	Newburgh,	Orange, N. Y.	
Nathaniel H. Wilson,.....	Portsmouth,	Virginia.	
Jane Latham,	York,.....	Upper Canada.	
Joseph King Wilson,	Johnsonburg, ...	New-Jersey.	
Elizabeth Brower,.....	Patterson,	do	15

Pupils supported by the Institution.

Louisa A. Moore,	Lyons,	Wayne.	
Julia Ann Hoffman,	Troy,.....	Rensselaer.	
Elizabeth Lafferty,	Mamaroneck, ...	Westchester.	3

Number returned to the Legislature, Dec. 31, 1832,.....	87
Admitted in 1833,.....	58
	<hr/> 145
Dismissed in 1833,.....	11
	<hr/> 134
Remaining in the Institution, December 31, 1833,.....	<hr/> 134

New-York Institution for the instruction of the Deaf and Dumb, in account current with the Treasurer, from January 1st, 1833, to January 1st, 1834.

EXPENDITURES IN 1833.

Paid, superintendence and tuition, steward, gardener, tailor, shoemaker and servants,.....	\$5,138 23
" ground rent to corporation of N. York, and rent of bush lot,.....	200 00
" provisions and groceries,.....	3,754 68
" fuel and light,.....	774 02
" hard and soft soap, labor for washing, &c.	280 00
" dry goods for clothing for pupils, and cash advanced pupils,.....	294 44
" leather and findings for shoe-shop,	514 37
" insurance against fire,.....	108 53
" medicine and professional attendance,.....	244 12
" alterations and repairs at the Institution, ditching, &c.....	189 77
" books, stationary, maps and philosophical apparatus,	469 37
" furniture, beds, bedding, crockery, stoves, &c,..	1,364 07
" garden, for seeds, manure, &c.....	26 14
" stable ac't, wagon, cow, hogs, smith's work, &c.	593 91
" expenses of delegation to Albany & Canajoharie,	131 11
" postages, printing annual report, expenses of lottery information, carriage hire, seal, and printing certificates,.....	461 83
" Thomas Arden, in full, principal of bond to him,	6,000 00
" interest on bond to Thomas Arden,.....	198 33
	<hr/>
	\$20,742 92

RECEIPTS IN 1833.

Balance in the Treasurer's hands, January 1st, 1833,.	\$1,145 29
Received from Comptroller for State pupils,.....	9,386 83
" " Mayor of New-York for lottery licenses,.....	\$2,125 00
" " Yates & M'Intyre, for do. do.	1,546 79
	<hr/>
" " Regents of the New-York-University,	3,671 79
" " supervisors of N. York, by city comptroller for county pupils,	498 09
" " Female Association, pupils supported by them,.....	1,594 56
" " pay and part pay pupils,	354 16
	<hr/>
	1,927 02

Carried forward,.... \$

Brought forward,.... \$		
Received from sales of articles manufactured in shoe-		
shop,	269	64
" " clothing furnished pupils,	268	81
" " garden and place,	277	67
" " sales of Elementary Exercises,	5	00
" " Treasurer of Public School society, one-		
half expenses incurred in collecting		
proceeds of lottery licenses,	162	62
" " life subscriptions and donations,	1,114	12
Balance due the Treasurer,	67	32
		<hr/>
		\$20,742 92
		<hr/>

The foregoing account of the Treasurer has been examined by the finance committee, and found to be correct.

B. L. WOOLLEY, *Ch'n.*

DONATIONS AND SUBSCRIPTIONS RECEIVED IN 1833.

DONATIONS.

From Mr. Radenhurst,	\$3 00
Mr. Tryon,	3 00
Mr. Spring,	3 00
Ebenezer Cauldwell,	5 00
Mrs. Brown,	8 00
Gold ring,	1 00
S. J. Smith,	1 00
A stranger,	0 25
S. B. Collins,	5 00
Benjamin B. Hicks,	5 00
Jonah Macy & Sons,	5 00
Richard Laurence,	5 00
David Graham,	3 00
Levi Coit,	10 00
John Aspinwall,	5 00
Oswald Cammann,	15 00
John Alstyne,	5 00
Jacob Settle,	10 00
Jacob S. Carpenter,	5 00
Joseph A. Perry,	10 00
Gideon Pott,	5 00
Girard H. Costar,	15 00
A. H. Dorr,	10 00
Mrs. Richardson,	5 00
R. D. Wilmot,	2 00

Carried forward,.... \$

Brought forward,.... \$	
I. W. Reid,.....	2 00
A. Bishop,	3 00
Mr. Brett, avails of exhibition of paintings,	147 50
Collection at Chatham-street Chapel, .	227 37
	<hr/>
	\$524 12

SUBSCRIPTIONS.

C. L. Livingston,	\$50 00
H. Averill,	30 00
Joseph Walker,	30 00
Samuel Hicks,	30 00
John R. Willis,	30 00
Robert Minturn,	30 00
Rufus L. Lord,	30 00
Thomas H. Faile,	30 00
Henry I. Wyckoff,	30 00
Jasper Corning,	30 00
George P. Shipman,	30 00
R. H. Nevins,	30 00
J. L. Joseph,	30 00
Moses Henriques,	30 00
John Ward,	30 00
Walter Bicker,	30 00
Christopher Wolfe,	30 00
S. W. Benedict,	30 00
Shepard Knapp,	30 00
	<hr/>
	\$590 00
	<hr/>
	\$1,114 12

OTHER DONATIONS.

From William Shaw, 25 bushels early potatoes; trees and shrubbery.
 Robert D. Weeks, Swift's Works, 24 volumes.
 Dr. Griscom, Year in Europe, 2 volumes.
 Leon Vaysse, Set of Models for Drawing.
 Lewis Seymour, Specimens for the Cabinet.
 Young Men's Bible Society, New-York, fifty-six Bibles.
 Editors of the New-York Commercial Avertiser, their paper.
 " " Atlas and Constellation, their paper.
 " " New-York Weekly Messenger, their paper.

Extract from the Commercial Advertiser.

There is one improvement in this branch of the art of teaching, which we have not before observed in use at this or any other institution of the kind. It is a complete system of *grammatical symbols*,—and in our view it will be found a very important auxiliary in the instruction of language. The characters of which it consists denote not merely the different parts of speech; but they likewise undergo systematic modifications corresponding to the inflections of language, and bearing a strong analogy in idea to the modifications of meaning attendant upon those inflections. They exhibit thus nouns and pronouns in their several cases, adjectives in the different degrees of comparison, and the verb in all its varieties of form, whether as transitive or intransitive, active or passive, past, present or future, affirmative, conditional, hypothetical or imperative, or in the infinitive or participial forms. This system is very readily comprehended by the pupils. It is in fact ideographic, and the simplicity of its fundamental principles renders it very easily explicable to any person who will devote a few moments to its examination.

From this brief account of its nature its utility is obvious. It is syntax painted to the eye, superceding the necessity of abstract rules, always difficult to be remembered and especially so for the deaf and dumb. The essentials of the proposition, the subject and the attribute, occupy here that prominence which belongs to them, and the relative importance of the direct and indirect compliments are evident to mere inspection. Grammar, in fact becomes a subject of easy intuition, and hence rules are unnecessary, until the pupil is introduced once more to the same subject as a science.

It is matter of experience that we are often able to read a language with facility, which we are equally unable to write and to speak. In like manner the deaf and dumb will often comprehend sentences, addressed to them, and even narrations of length; when they are too little accustomed to use language themselves to be able to express similar ideas in words without some assistance. The difficulty which they encounter is a difficulty of construction. Instead of wasting time in such a case, by explaining at length what is the arrangement of words proper to be employed, the symbols are spread out before the learner, and the difficulty is at once removed. In this process there is nothing arbitrary which the caprice of a particular language has not rendered so; for so far as reason is to be found in the great principles of general grammar for our specific forms of speech, the symbols explain themselves. It is thus that they materially abbreviate the processes of the school room, and afford an equal assistance to the teacher and to the pupil.

In another respect they afford a material aid in the instruction of the deaf and dumb. To teach language to this class of persons is to pass through a process similar to that by which we may suppose language to have been originally instituted. The necessity of each new form of speech must be made to appear, before its use can be insisted on. The learner must therefore be led to the real

intuition of all those circumstances which render a new form of language desirable, and which constitute the reason of its establishment. This process is necessarily slow, and when it has been once or twice repeated, it becomes desirable to possess some simple and intelligible sign, by which it may be distinctly recalled to the mind, without actually retracing its several steps. Such signs are found in the grammatical symbols. These are the brief representatives of those combinations of circumstances which give rise to their corresponding forms of speech. They render easily comprehensible ideas which on account of their complexity, it is difficult for the mind to grasp, so long as it is necessary to consider them in detail.

The symbols are also useful in correcting the original compositions of the pupils. Arbitrary correction is of little utility. A change of phraseology without a reason assigned, is not long remembered; and if it were, would scarcely be generalized so as to prove of use in any other than a case precisely similar. To point out the place of the error, and cause it to be both discovered and corrected by the pupil himself, is therefore what is desirable. When other means fail for the accomplishment of this object, the placing of the grammatical symbols over the words of the sentence will often render the error glaring, and the correction immediate.

In fine, we may in some respects compare the grammatical symbols to the signs used for purposes of abbreviation in mathematics. They have also an advantage of which the deaf and dumb experience peculiarly the benefit, that they abstract the thoughts entirely from the subject of discourse, and fasten them directly and distinctly upon the principles of construction applicable to the case.

Written by Edmund Booth, who has been under instruction four years, at the American Asylum, at Hartford, but is now employed as an assistant in that school. He lost his hearing partially at four, and entirely at eight years of age.

To no one but myself.

Come, the day is fair,
The bees are humming in the air,
The sun is laving in the lake,
The fishes sporting near the brake;
So come, and drink the balmy breeze
By soft gales wafted from the trees.

The lake is like an angel's path
And spotted like a flowery heath
With islands lovely as itself;
No rock, or mountain-crag, or delf,
But smiles upon the grassy wave
Or lies contented in its grave.

So come—O! come and let us go,
 The day is still—the wind is low
 There's nothing to disturb or break
 The drowsy woods—or sleeping lake.
 The spell of nature's loveliness
 Hath power to wrap the soul in bliss.

The boat is waiting on the shore
 And ready hangs the lightsome oar;
 T'will glitter as we move along
 And that alone shall be our song,
 Save when some wild bird's mood subdued
 Gives echo to the solitude.

The following address was written by JOHN R. BURNET, on the occasion of the Fair held at the City Hotel for the benefit of the Blind. He lost his hearing at the age of seven years, and, as a consequence, his speech to such a degree, that his articulation is scarcely intelligible. He has resided for some months at the New-York Institution for the Instruction of the Deaf and Dumb, but is principally indebted to his own unassisted efforts for his attainments.

ADDRESS OF THE DEAF AND DUMB TO THE BLIND.

Beats there a human heart so cold,
 So selfish and unkind,
 That can refuse its sympathy
 To the *poor helpless blind*?

E'en *we* must pity those, whose eyes
 Can never see the light:—
 The *joyous light* that wakens us
 To ever new delight.

When, with soft step, the rosy morn
 Steals through the window-pane,
 And at her smile the heart leaps up
 To life and joy again.

She gives us winged messengers,
 That still unbidden fly,
 Ready in countless throngs around,
 With news from far and nigh:—

With news of all fair things around;—
 And as the seasons range
 From loveliness to loveliness,
 They tell us every change.

Nay, more! she gives to see the looks
Of sympathy and love:—
To read the volume that points out
The way to heaven above.

Poor hapless ones! to whom the morn
Still comes, but brings no light;
To whom the evening comes, but brings
To you no deeper night.

Yet *we were* more unfortunate
Than ever were the blind;
Your darkness is but of the eye,
But ours was of the mind.

We by the eye were taught to hear;
And blest Philanthropy,
Unwearied still, would by the touch
Instruct the blind to see.

And 'tis to aid this heaven born plan,
That fingers fair have made
The specimens of art and taste
In this gay hall displayed.

And *we*, whose hands are wont t'express
Each feeling of the heart,
The labors of those hands would give,—
'Tis all we can impart.

As others pitied *us*, 'tis ours
In turn to pity *you*;
We who have learned to read God's word,
Wish *you* to read it too.

Although you cannot see the gifts
Your friends for you have wrought,
Nor their kind looks of sympathy
For your unhappy lot;

Nor the fair forms that through this hall
Move in a flood of light,
And seems to us as *Angels* sent
On Mercy's errands bright.

Yet you can hear the accents sweet,
That, from hearts warm and kind,
Plead in their kindest, sweetest tones,
For the poor helpless blind.

And many a heart will thrill, when rise
Your voices sweet and clear.—
'Tis *we* must then *your* pity claim;
Your song we cannot hear.

**Specimens of uncorrected original compositions, by
the pupils in the New-York Institution for the
Instruction of the Deaf and Dumb.**

By a young lady 14 years of age.

THE INVENTION OF THE SAFETY LAMP.

Before 1815, Miners used to go into the shafts of mines, and they used to put a common lamp into them. While they were cutting coal with axes, the gas came from the rock upon the lamp, and soon it exploded and struck some of the miners who died, and others went out of the shafts of the mines in safety. They were sorry for it. Then Sir Humphrey Davy invented a safety lamp and it was covered with wires. The miners went into the mine with the safety lamp, but the gas could not pass through the wires. The miners were preserved from danger by it. They were glad that it was invented by Sir Davy who lived in England, and he wished that the miners should take the safety lamp with them against danger.

By a young lady 14 years of age.

BABYLON AND SEMIRAMIS.

Many years ago, after the establishment of the Assyrian Empire by Ashur, the Babylonian Empire was founded. The great city called Babylon was built by Nimrod. During the reign of Ninus who succeeded Ashur, the two Empires were united under the same government. The famous queen Semiramis first and then the king Nebuchadnezzar embellished Babylon which was enlarged, and it was worth 25,000,000,000 pounds sterling. It was the most splendid and magnificent city in the world. The city of Babylon was situated on the two sides of the river Euphrates which was running through the city from north to south.

Once while Semiramis was combing her hair at her elegant toilet in her chamber, soon a servant came up stairs and gave her a note. As Semiramis immediately left half dressed, she went to Babylon, because it revolted against her. She attacked the Babylonians with great success. Then she returned to her toilet to comb her hair again. She sent a great number of men who worked at bridges, aqueducts, roads, mountains and rivers. Babylon continued to increase in splendour, but it can now no more be seen. Semiramis appeared her courage to belong to the masculine sex, and also she was the most brave of all women.

By a young lady 19 years of age.

AN ACCOUNT OF THE FAIR FOR THE BLIND.

Some of the girls in the Institution made some beautiful things for the fair to assist in educating the Blind in the city last month. The fair took place on the 30 and 31 of last month. We were told that we should go to the City Hotel in the morning on the 30th of last month. Mr. P. sent our steward for a coach to come to the Inst. and the former, Miss L., two of the girls and myself got into the coach which carried us to the City Hotel. We got out and went up stairs. We were very happy to see many beautiful things which were on the long tables for selling to the people. A member of the society was kind enough to accompany another deaf and dumb girl and myself to show the things to us. Then we turned and came back. We found several blind persons who were sitting down before us. I observed to my astonishment that they seemed very happy; but I wished that their eyes had opened and received sight. I wrote on my slate and told the lady that I felt for and pitied them much. She also told me that it was a great affliction. We again came to our own table. We saw a great number of the people who seemed to be interested in seeing the articles; and I hoped were willing to buy them for the benefit of the Blind.

When it grew dark, we waited for our principal and teachers to come to the fair, for we wanted to see them. It was nine o'clock in the evening that our friend Miss L. invited us to sleep in her father's house that night. The next day, we awoke and were pleased and in good spirits; but we were sorry that the weather was gloomy. We returned to the fair at 10 o'clock. Several of the members of the society said they were glad to have us come again. There, we spent all the day before newyear's day. The second evening of the fair, there were few persons in the room. I soon heard that they were gone home to tea. We had not known it before. After tea, they again came to the fair. We felt very tired with remaining there all the evening. I was going to write about the two blind girls who were present at the fair. The spectators seemed to pity them and put some money into their baskets. When one of these girls was led by a lady to us, we thought that she could see; but we were mistaken. She played on a small piano-forte, and I thought she did it very well. Before ten o'clock, Dr. A., standing on a bench, addressed the people, and told them that the fair would now close.

We entered a coach with our teachers and came to the Inst. and we arrived in safety.

By a young lady 16 years of age.

NEW-YORK July 5th 1833.

MY DEAR SISTER.

I have not heard from home since I saw father, when he was here. Therefore I thought I would write to you again, and hope you will be happy to know that we are all pretty well at present. We had a happy holiday yesterday, and the girls did not go to the city, but the boys went there. Mr. Peet said to us, if we went there to see the soldiers, we would meet with some accidents. I did not want to see them, for it is too far from this Institution. I presume that you want to know what we were doing yesterday. So I should like to tell you that yesterday, Mr. Bartlett went to the Shot tower, to ask a keeper of the boat, to let us go in. Then the latter permitted it, and immediately after the former returned here. He told the girls, that they should be ready at nine o'clock A M. When we were ready, we walked to the bank, and entered the boat. We were happy in sailing, and had a very fine view. When we got on the ground, we walked to the prison to see the prisoners. They work hard, and have coarse food, because they were wicked. We were sorry to see them, and wished that if they should be good, they might get released. We walked a little distance from the prison, to pick some cherries, raspberries, and currants, and staid there some time. We returned here at half past one o'clock in safety. We had a pleasant time in visiting the Blackwell's Island. Dear J, I wish that you might have been there with me. I thought it would make you happy.

A few weeks ago, as Gen Jackson was in this city, a great many persons went to see him, and the ascent of Mr. Durant. I did not go there, but I only saw the balloon ascending from the Castle Garden, and proceeding to Long Island. It looked like a ball, with which the boys use to play, and was handsomely painted with yellow color. I suppose you have read in the newspaper of the ascent of Mr. Durant.

We attend the lectures twice in a week (Tuesday and Friday) from eight to nine o'clock in the evening. I like to attend any teacher's lecture very well. He said, if we were attentive to his lecture, we would improve very fast. We have had three new little girls since I came here. One of them came here from York (U. Canada) last Tuesday. She is a bashful child.

Has I. H. seen cousin M, after her return from New-York? I want to know it, and you must tell me it. Tell her that I think I shall write to her in about two weeks, if I find it convenient. Our matron has been to H, and spent two weeks in visiting her friends. She has just returned here, and we were very glad to see her and little Lewis. I am sorry that mamma has much trouble in taking care of my velvet rose and other plants. I want you to help her in that, when you are at home. Is any girl, whom I knew, at your school? How does dear little sister grow? I hope she remembers me. I forgot to tell you about the rockets last night. I saw them shooting up very beautifully. I would tell you more news; but I

cannot do it now. When I go home, I may tell you about them. You must write to me as soon as you receive this. Don't fail to do so, for I want to hear from my dear home. I am sorry that Miss G. was disappointed by my not going to H. Have you written to her lately? Give my best love to Parents, aunt D, and all relations.

Your affectionate sister

S. S.

To J. S.

By the same.

TEA.

Tea is cultivated in China, and Japan. The tea tree is four or five feet high, and has small leaves. Three years after the seeds have been sown, the trees bear seeds themselves. The Chinese pick the leaves, and put them on some hot plates, and soon they are dried up. The people of China drink much tea without having sweetened it with sugar or milk. In 1666, tea was first brought into England. It then cost 60 shillings a pound.

Before the war of the revolution, the people here used to drink tea. Some merchants in England sent several cargoes to Boston in 1773. When it arrived there, the citizens resolved to buy none. So they went secretly into a ship, and took one hundred and forty two chests, and threw them into the sea. Soon afterwards, the Parliament was much offended with the destruction of the tea.

If tea-lovers drink too much tea for a few years, it will make them feeble. Most of the inhabitants here like principally green tea. There are three varieties, of black tea, and four of green tea.

By the same.

GOLIATH.

Many years before Christ, there were two armies, called the Israelites and the Phillistines, which were carrying on war. One of the Phillistines, who was named Goliath, was a giant, and the Israelites were very much afraid of him. The sons of Jesse went to assist Saul who was king of the Israelites in the battle. During this war, David, the youngest son of Jesse, was taking care of his father's flock. His father told him that he should take some victuals to his brothers. So he took food, and went to meet them. When he heard of Goliath, he told them that he could kill him. They were kindled with anger at his asking, and he then requested Saul to permit him to fight with the giant. So the request was granted, David prayed to God to enable him to kill Goliath. Then he picked up five stones, and put one of them in a sling. When he drew near to Goliath, he threw the stone with the sling,

and it hit the forehead of Goliath. Immediately the giant fell dead on the ground, and David came to him, and took a sword to cut off his head. The Phillistines saw what David had done to their champion, and they were afraid, and fled. The Israelites gained the victory over them, and praised David as a brave man.

By a lad 16 years of age.

GREENLAND.

Greenland is colder than the country where we live. It is very mountainous and barren. The woods are very low. The accumulation of the ice near its coasts is such, that navigators are unable to sail. It is said that sometimes, some of them are frozen to death. The Greenlanders are very dwarfish and fat. Their bodies are very brawny. They are much pleased with their corpulency and idleness. Their huts in which they lived, are made of stones and turf. The burning of oil gives them warmth. They employ themselves in fishing and hunting. They are fond of eating whales, seals, and the flesh of white bears. Their old parents are burned alive by them, but the missionaries preach to them and urge them to leave this cruel treatment of their parents. Dogs abound in that country; they are useful in drawing sledges in which they ride. They have no clothes to wear, but they wear the skins of seals.

By a young man 20 years of age.

SOME ACCOUNT OF JOHN BUNYAN.

John Bunyan, the celebrated author of the, "Pilgrim's progress," was born in Elstow near Bedford in England in 1628. When he was young, his parents gave him instruction in reading and writing; but he soon forgot both, and became very wicked. He amused himself by playing with his companions; but afterwards he repented of his sins, and was placed by his father in a tinker's shop. He was a soldier in the Parliamentary army, and watched as a sentinel, and another soldier who escaped, was shot by Bunyan with a bullet. He afterwards became a preacher and preached to the people at Bedford; but some of them forbade him to do it, & he continued preaching to them. He was immediately imprisoned and wrote several admired allegorical compositions on the "Pilgrim's progress." After a confinement of twelve years, he was released from prison, and came to London where he afterwards preached to a numerous audience. He died in 1688 at the age of 60 years.

By a lad 16 years of age.

DESCRIPTION OF THE OX.

The ox is an useful quadruped a little larger than the horse; but does not look like him. The hair, which covers his body, is short; it is of variable color; although it is commonly reddish. He has four legs to have ability to move; the extremity of the legs have cloven hoofs. He has two long horns, and two large ears on his head, and a broad and square nose. He has two black eyes which are beautiful. He has a long tail whose extremity has a bunch of hair. He is strong for he can plough, or harrow the land, from which the different kinds of vegetables and grains grow for food, and also can draw a carriage and large sled, (to carry stones and other things,) as the horse; though he moves slowly. Under suffering, he is patient. The ox is domestic; he eats grass, hay, corn, and vegetables; but he likes to eat chiefly pumpkins. After he has eaten, he chews the cud in standing or lying on the ground.

In Egypt, once, there was an ox which was worshipped. In India, the cow is thought to be sacred. The ox is killed so that the people may eat meat; his skin is made into leather which is made into shoes and boots. His hair is mixed with lime to make mortar; his horns are made into different kinds of combs, powder-horns and other things, and his bones are made into buttons and many other things. His hoofs are boiled to be turned into glue and his fat is extracted into tallow for candles and soaps.

By a lad 15 years of age.

THE STORY OF MAZEPPA.

There was a man in Poland, a servant of a Polish count, named Mazeppa. The Polish count's wife was very intimate with Mazeppa whom she loved very much. The Polish count found them together, and he was very angry at them, because he thought that his wife loved Mazeppa more than him. The count ordered his servants to seize Mazeppa, and cast him into a prison. The count contrived something to punish Mazeppa. He conceived that Mazeppa should be left on such a wild horse, that no man could ride on him. This horse had been brought from the desert where there were many wild horses. The Polish count ordered his servants to bring Mazeppa, and set him on the wild horse's back, by tying a rope round him on it. They carried Mazeppa, and took his clothes from him, and tied him on the wild horse's back with the rope. The count carried his wife to Mazeppa, and said to her "look at him bound naked on the wild horse." She saw him and then she was very sorry for him. The servants let the wild horse go away. Then he ran very swiftly into the desert, and continued to run among the trees for two days. He ran to a river and swam across it, and ran up a steep hill. Some wolves saw him, and

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wished to eat him, but he ran very swiftly from them; and even some eagles saw the man on him, and wished to eat him, but the wild horse escaped from them.

After he had run among the trees in the desert for two days, he became very weak, and he went to a farm. Then he fell down on the ground and died. Mazeppa had been much hurt by the branches of the trees which had scratched him, and, now, he was half dead. Soon a woman came from a cottage to the farm, and saw Mazeppa with the wild horse lying on the ground; and she unbound him from the wild horse, and carried him to the cottage. She took care of Mazeppa, and some days thence, he recovered. Then he was much amazed to think that he had been sick, and he did not know how he had been made sick.

By the same.

THE EARTH.

The Earth is a globe on which we live. It revolves round the sun every year. The Earth is round, for the moon shows us that during an eclipse, the former makes upon the latter a round shadow. The Earth turns round its axis once in a day, and the sun attracts it revolving round it. We cannot fall up off the Earth, for it attracts us. When a ship comes from down the curve of the Earth, we can see its upper sails at first; and when the ship descends the curve towards us, we can see over it whole. The Earth draws the moon revolving round it. If the sun did not draw the Earth revolving round it, and if the Earth did not attract the moon revolving round it, they would fly away.

The people in India think that four great elephants carry the Earth on their backs. But they are much mistaken, for how can the elephants stand?

Some of the ancients used to think that a great giant carried the Earth on his shoulders. But they did not show on what he could stand.

The Indians in America think that the Earth is carried by a great turtle on its back.

These people in India and in America are ignorant and do not know the true God, and that he created the world.

There is a star on the north, which is fixed in the sky. It is called the north star. When we descend the curve of the Earth from the north star, we cannot see it; but when we ascend the curve to it, we can see it.

The northern pole is very severely cold, and there is great ice there in the winter, because the sun is not in the part of the sky near it for six months; but in the summer there are there heat and light of the sun in a day of six months.

The southern pole resembles the northern.

The sun goes from the southern pole towards the northern in the summer, and afterwards returns from the northern pole towards the southern in the winter.

By a lad 15 years of age.

INSTITUTION FOR THE DEAF & DUMB, {
New-York, December 27th, 1833. }

To the President of the U. States.

Sir, If I should see you, I could not speak to you, because I am a deaf mute. Though I am deaf, I can express my ideas in a letter to you. I have been at school some years, and my education is partly completed. But there are many deaf and dumb children in the United States, who continue to be ignorant, they have not come to the Institution to be educated. I sympathize with them, I wish you might feel an interest in them.

Several years ago, Congress agreed that they would grant a tract of land to the American Asylum at Hartford, and its directors sold it for a great deal of money for the purpose of a permanent support. Congress did not agree to grant any tract of land to the N. York Institution. This Institution has many pupils and several teachers and masters of the shops, and intellectual and manual education are now prospering; but the income of the Institution is not sufficient and the present state cannot be permanent. I have heard that a gentleman, a member of the Senate in Congress, who has left New-York for Washington, will soon present a bill to the Senate and House of Representatives in Congress who may agree to grant a tract of land to the New-York Institution for the purpose of providing for the Deaf and Dumb pupils as Congress did to the American Asylum at Hartford. I hope that you will be willing to sign it after it has passed Congress because there are more than six thousand deaf and dumb children in the United States, who live nearly like wild animals. Deaf and Dumb people often break the laws of God and man because they are ignorant. Therefore a magistrate's duty is to see that all these persons are placed in some proper institutions that their dark minds may be enlightened.

Your Excellency's

Most obedient servant.

J. W. C.

By a lad 14 years of age.

A FICTITIOUS STORY.

There lived a man in the city of Edinburgh who is the metropolis of Scotland, named Timothy Ludlow. When he was in youth, he was placed at an extensive college and he obtained some knowledge of chemistry and Natural Philosophy and after these, he commenced the study of astronomy with which he became perfectly acquainted. Before the completion of his education, he concluded to go on a voyage over all the world in order that he might see a great many countries and islands. I shall remark in the first place that he went to Cape of Good Hope. He remained

in that colony for a few weeks. In the mean while, he saw a monstrous hyena which watched him for a long time, it made Mr. L. begin to tremble & compelled him to run away from that beast but the hyena pursued him to make him his prey. But the gentleman conceived a means of escaping from that monster by climbing a very high tree. He climbed up the tree, when the quadruped arrived at the tree where he watched him but the traveler dropped his pen-knife into his right eye. The hyena was impressed with anger at him and ran around the tree with great swiftness but he got tired of remaining near the tree & therefore he ran swiftly up a mountain. Mr. L.'s heart beat with joy and thanked God for his protection. He ran to his lodgings in haste but he was fatigued in consequence of which he was taken sick. In a few weeks, he embarked in a ship which was bound to the country of Arabia. He arrived at that country several weeks after his departure from Cape of Good Hope. But the arábians saw that he was covered with a rich dress and became jealous of him and conducted him to one of their tents where he was bound with chains but the crew of the ship were angry on account of the imprisonment of their dear friend among the Arabians. They therefore took their guns with the intention of delivering Mr. L. and came to the tent and told the kidnappers to deliver the gentleman but they would not submit to the authority of the crew who were, therefore exceedingly enraged at their refusals. The crew shot most of the kidnappers, the rest of them ran with speed to Mr. L, whom they unbound. Then they carried him to the crew who conveyed him to the ship. After this Mr. Ludlow embarked in the ship which was bound to China for the purpose of purchasing tea. He arrived at Canton, one of the largest cities in the world, where he saw many chinese carrying chests of tea. He paid them 2,000 dollars. He returned with tea to Scotland where he sold it with profit.

By a young man 21 years of age.

THE RAIL ROAD.

The rail road near the Institution in which we live, is now in operation in one part of it, and it will be completed at the expense of \$500,000 subscribed by individuals of this state. We see the cars move from one place to another on the road by the force of steam, for which carriages drawn by horses, are set aside. The cars move at a very prodigious rate, and seem almost to fly over the ground like a swallow flying over the meadow in pursuit of flies. The track of the carriage wheels being placed upon bars, the cars move on the rail road between the red house situated at the foot of Murray's hill, the rocks of which have been blasted by the force of powder, and the city, with so much ease that one or two horses can perform the labor of five or six horses on a common

road. They are of much advantage to us, when we have business in the city.

The experiment of a locomotive engine was first successful on the Manchester and Liverpool rail road in England. The transportation of cotton and other goods on carriages drawn by horses on the common road between these two places, had been very expensive. Since that construction, the cars have afforded a cheaper and easier conveyance than these carriages, because they run with as great swiftness as the force of steam can drive them along. This is productive of great advantage to England.

That which will ever associate the inventor thereof with the benefactors of the world, was the successful application of steam to propelling cars on the rail-road. The spirit by which these improvements have been made, is increasing, and it is expected that it will be extended in the United States for the necessary purpose of carrying passengers and goods. For the first experiment of the steam carriage made, we are indebted to England; its utility will point the inventor out as a benefactor of the human race.

By the same.

MEDITATIONS ON AUTUMN.

When Autumn reigns after the days of Summer have elapsed by the regular motion of the earth, the sun shines obliquely upon the earth, and the cold begins to chill us, and other beings by degrees. Now we witness this season, when the winds rise, the leaves of the tree fall, & the flowers of the field disappear. The branches of the tree, stripped of all their leaves, in consequence of the power of frost, begin to wave, when the wind blows, and they cast a gloom over the face of nature. This is, indeed, the season of melancholy, and it is the time of our serious thoughts, when nature around us seems almost to sink into decay.

The blossoms of our Spring exhibited a wide yet beautiful sight with which we were delighted: the harvest of our Summer was a sight of profusion and comfort to us; and we liked to move amid the beauties of nature. But, when the harvest and provisions have been housed, and are kept for the coming Winter it is wonderful how the influence of spring ceases, and the pride of Summer vanishes.

By the same.

THE MECHANICAL POWERS.

These powers are simple machines being of great use in raising greater weights, in putting in motion heavier bodies or suppressing greater resistances than the power of man could perform. These con-

trivances are the simple lever and the pulley, the wheel and axle, the inclined plane, the wedge and the screw, and all are much used for the purpose of varying the velocity of the power by those arrangements so as to accomplish several kinds of labor. The names of the three to which the six mechanical powers are reduced, are, first, the lever, including the lever and the wheel and axle, secondly, the pulley and, thirdly, the inclined plane including the inclined plane, the wedge and the screw.

I think that had no mechanical powers been discovered and illustrated for the promotion of industrious persons' benefit, it would have been impossible for any one to overcome resistances to which his strength is put in equilibrium by means of these powers. But inventions in machines, as they were made, produced an interchange of information from one man of great talents to another and learned men made improvements in them, according as they had more intercourse with each other. From this time, the applications of mechanical powers to which we are indebted for so great assistance, were very successful. These powers were known to the ancients, and have always continued to be used.

The lever is the first mechanical power, which consists of a firm bar of wood or iron, sustained on a pivot between the two ends, to balance it equally when the lever is applied to the weight to be raised by the power. This is called the fulcrum. Levers are of three kinds. First, the fulcrum is between the weight and power; secondly, the weight is between the fulcrum and power; and thirdly, the power is between the fulcrum and weight. In the first kind the weight is falling down, caused by the situation of the parts of the lever, when the power is rising.

The Pulley is a regulation of a rope for the application of power to weight, but when joined together, velocity in the latter is diminished. It is chiefly used in ships, and in a small part of the upper roof attached to a building, at its end, which you have often seen. A rope of which it is composed with a small wheel, or several wheels, passes round them, and moves on the circumference of the wheels. There are several kinds of pullies: namely, fixed, moveable, single and compound.

The wheel and axle is used in raising water from a well without a pump, instead of a long stick of wood which is often seen, to which a bucket is attached, by means of which it is extracted by hand. It is an assemblage of wheels with their axles, which composes the greater part of our engines which are used in the operations of the useful arts. The application of the wheel and axle to raising goods in stores, hoisting the anchors of a ship and moving buildings is extensive.

The inclined plane is a mechanical power which deflects upwards the motion of a body, which otherwise would move horizontally sustaining a part of the weight and enabling an individual to raise heavy bodies with small force. It is applied to the raising of bodies. It is often used in the raising of a naval vessel out of the water, in moving cars up hills upon rail roads, in drawing boats up, and in lifting burthens into wagons.

The wedge is a power having a sharp edge at its vertex, and continually growing thicker to its base. Its chief use is in cleaving wood by driving with a beetle. Very tough timber can be severed by the power of the wedge.

The screw is a mechanical power applied on the principle of the inclined plane consisting of a groove which passes spirally round a cylinder. Its use is to make pressure of bodies downwards through the obliquity of the thread of the screw and when the application of power is to the end of a lever 10 to 12 feet in length, the force obtained is very great.

IN ASSEMBLY,
January 30, 1834.

MESSAGE

**From the Governor, transmitting a communication
from the Governor of North Carolina, on the sub-
ject of the militia and the public defence.**

To the Assembly.

GENTLEMEN,

**I herewith transmit to you a communication received by
me from the Executive of North Carolina, on the subject of the
militia and the public defence.**

Albany, January 30th, 1834.

W. L. MARCY.

COMMUNICATION

From the Governor of North Carolina, transmitting resolutions on the subject of the militia and the public defence.

**EXECUTIVE DEPARTMENT, }
NORTH CAROLINA.**

Raleigh, January 19, 1834.

SIR—

In compliance with the request of the General Assembly of this State, I have the honor to transmit to you the accompanying report and resolutions of that body, adopted at the last session.

I am, Sir with high respect,

Your obedient servant,

D. S. SWAIN.

To His Excellency the Governor of the
State of New-York.

REPORT.

The joint select committee to whom was referred the message from the Governor, relative to the militia and the public defence, together with the resolutions of the Legislature of the States of New-York and Illinois upon these subjects, respectfully submit the following

REPORT:

The committee concur entirely with the opinion expressed by the Governor of this State and the Legislatures of the two States referred to, that the present militia system is unnecessarily burdensome and unequal in its operation upon the different classes of society; and that these very causes, instead of increasing, diminish its efficiency. No one who has paid the slightest attention to the militia trainings, as practised in this State, can have failed to perceive that, except in a few volunteer companies, military science is little understood, and discipline rarely enforced. It may well be doubted, indeed, whether the evils growing out of these periodical assemblages of the whole body of the community, which are too apparent to require illustration, do not more than counterbalance all the improvements which are made in military art.

The committee are decidedly of opinion, that these evils can be remedied only by an entire change in the organization of the militia system by Congress. That the present term of militia service is entirely too long; that it should be confined to the young

and the robust; and that proper measures should be adopted to render the training of this class effectual; that a well organized and disciplined force, though comparatively small in point of numbers, would be much more efficient in its character than the unorganized multitudes to which we are accustomed. Such a system would be calculated to beget a spirit of military pride, which could not but have a happy effect upon the country.

There can be no difficulty in pronouncing that the spectators who might witness the evolutions of a well trained corps would acquire much more correct notions of true military science, than can be gained by actual participation to any extent in the militia service as now regulated. This order of things would be greatly less expensive than that now pursued, and the expense would fall where alone it ought to fall—not on those who render the service, but on those whose persons and property are peculiarly the objects of its protection.

The committee, therefore, recommend the adoption of the accompanying resolutions.

WILLIAM P. DOBSON, *Chairman*.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to adopt the necessary measures to render the system of militia discipline of the United States less burthensome in its character, and more efficient in its organization.

Resolved, That His Excellency the Governor be requested to transmit copies of these resolutions and this report to the President of the United States and the Governors of the several States, and to each of our Senators and Representatives in Congress.

IN ASSEMBLY,
January 21, 1834.

ANNUAL REPORT

**Of Richard McCarty, Inspector of Flour in the city
of New-York, and in the county of Kings.**

Report of flour and meal inspected in the city of New-York, and
in Kings county, from 1st of January, 1833, to 1st of January,
1834.

Viz: Inspected in the city of New-York.

922,033 barrels superfine flour.

34,455 half barrels superfine flour.

18,383 barrels fine flour.

24 half barrels fine flour.

29,957 barrels bad flour.

574 half barrels bad flour.

7,486 barrels fine middlings.

5,827 " middlings.

2,248 " ship-stuffs.

12 half barrels ship stuffs.

16,007 barrels rye flour.

5,843 hogsheads Indian meal.

19,300 barrels Indian meal.

35 " buckwheat.

104 half barrels buckwheat.

**Making 1,056,445 barrels and half barrels flour and
meal, fees 1 cent per barrel and half barrel,..... \$10,564 45**

5,843 hogsheads, at 3 cents per hogshead,..... 175 29

Weighing 3,889 barrels light, at 6 cents,..... 233 34

**Disbursements for inspection, \$10,973 08
6,184 09**

\$4,788 99

RECAPITULATION.

985,934	barrels wheat flour.
35,065	half barrels wheat flour.
16,007	barrels rye flour.
5,843	hogsheads Indian meal.
19,300	barrels Indian meal.
35	“ buckwheat flour.
104	half barrels buckwheat flour.

Total value of flour and meal inspected in the city of New-York during the year, is \$5,763,080.06. Detailed statement of expenses hereto annexed.

Average value per hogshead, per barrel and half barrel: Superfine flour, \$5.81½, do. half barrels, \$3.00; barrels fine flour, \$5.44, do. half barrels, \$2.75; barrels fine middlings, \$5.00; barrels middlings, \$4.50; barrels ship stuffs, \$4.00; barrels rye flour, \$3.75; hogsheads Indian meal, \$17.00, do. barrels, \$3.75; barrels buckwheat, \$4.00, do. half barrels, \$2.50.

Inspected in Kings county during the year 1833, 5,541 barrels superfine flour, fees for inspection 2 cents per barrel, received by Mr. Thorn Carpenter, deputy inspector for that county for his compensation.

RICHARD McCARTY,
Inspector.

A detailed statement of disbursements by Flour Inspector of the city of New-York, from 1st of January, 1833, to first of January, 1834, Viz:

Daniel Brinkerhoff, deputy inspector, 313 days at \$3 per day,	\$939 00
Christ'r. P. Tappan, deputy inspector, 313 days at \$3 per day,	939 00
J. J. Hicks, deputy inspector, 313 days at \$3 per day,	939 00
J. B. Oakley, do. 8 months, at \$60 per month, paid 1 per month, balances 11th Jan. inst...	480 00
Deputies for 6 to 10 laborers constantly employed, paid once per week,	1,983 50
Amount carried forward,	\$

Amount brought forward,	\$
N. Schureman, for cedar bolts, Feb. 22, March 4, and Sept. 18,.....	102 48
December 27, Jacobus & McLean, for cedar bolts, ...	120 00
Martin & Booth, for brands, &c. (July and January,).	233 33
W. Cox, & E. D. Cobb, for charcoal, (once pr month,)	153 53
S. B. Reeve, for coal,.....	7 75
E. B. S. Willets, J. Russel and Westervelt & Bogert, for rent for store and office,	225 00
G. Higgins, for grates and knives for splitting plug stuffs,.....	9 00
Deputies for cartage, saws, filing saws and extra wa- ges for boy George,	45 00
Stationary,	7 00
	<hr/>
	<u>\$6,164 09</u>

I certify that the annexed report, and the above statement of disbursement, give a true account of the quantity and quality inspected, and the amount of money disbursed, to the best of my knowledge and belief.

RICHARD McCARTY,

New-York, January 15, 1834.

Inspector.

Sworn this 15th day of January,
1834, before me

ALLEN ASTEN, *Clerk of the Court of
Common Pleas of the city and county of New-York.*

IN ASSEMBLY,

February 1, 1834.

REPORT

Of the select committee, to whom was referred the petition of Henry Rice, Daniel Hall and Benjamin Lee.

Mr. McKnight, from the select committee, to whom was referred the petition of Henry Rice, Daniel Hall and Benjamin Lee, praying that a law may be passed directing certain moneys now in the State treasury, to be paid to them,

REPORTED:

That the petitioners allege, that on the 30th of April last, they were occupants and owners of lot No. 4, in the northwest part of the late Oneida reservation, and that on the day above mentioned, said lot was sold by the Surveyor-General for arrears due the State.

Your committee would further report, that they had satisfactory evidence before them that the petitioners were owners of said lot; and that it further appears by the report of the Surveyor-General, submitted to them, that the said lot was originally sold to Zebulon Douglas, by whom payments were made; and that the said lot was sold, as stated by the petitioners, for arrears due the State, amounting to \$247.74 and costs of advertising \$1.50, making \$249.24, and that the said lot was sold for \$590, which has been paid into the treasury, leaving a surplus due to the original owners, of \$340.76. Your committee are of the opinion, that from the facts above stated, the prayer of the petitioner is reasonable and ought to be granted, and have prepared a bill, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

February 5, 1834.

REPORT

Of the committee on so much of the Governor's message, as relates to the Deaf, Dumb and Blind, on the memorial of the Managers of the New-York Institution for the Blind.

Mr. Herttell, from the select committee on so much of the Governor's message as relates to the deaf, dumb and blind, to which was referred the memorial of the managers of the New-York Institution for the blind, praying for legislative aid,

REPORTED:

That the said committee have had the subject matter committed to their charge, under consideration, and have bestowed on it that attention to which they deem it eminently entitled.

That the committee, on investigating the facts mentioned and the allegations contained in the said memorial, find that a particular detail of them would be not much else than a transcript of the said memorial, the contents of which are of so important, philanthropic and interesting a character as to induce your committee to recommend that it be printed in order to accompany this report.

That your committee further state, that they find the facts and allegations stated in the said memorial true; and are of opinion, that the prayer of the petitioners ought to be granted. Your committee therefore, have unanimously directed their chairman to prepare a bill, and to ask leave to bring in the same for the consideration of this House.

All of which is respectfully submitted.

MEMORIAL

Of the Managers of the New-York Institution for the Blind.

To the Honorable the Legislature of the State of New-York.

The petition of the Managers of the New-York Institution for the Blind,

RESPECTFULLY REPRESENTS:

That your petitioners, impressed with the unfortunate and neglected condition of the blind, associated for the purpose of meliorating their misfortune, and of softening the hardship of their afflictions, by making them useful, industrious and intelligent, by means of instruction, both intellectual and mechanical.

In compliance with these intentions, an application was made to your Honorable body in 1831, and in April of that year, an act was passed giving corporate powers to a society, by the title of the New-York Institution for the Blind. Soon after the passage of this act measures were taken to carry its objects into effect; and how far the managers have been successful, will be shown by the following statement of its progress and present condition.

The Institution was located in a hired building in the city, until the latter part of October, 1833, when it was removed to the suburbs of the city. It is now established on the 8th Avenue, between 33d and 34th street, a short distance beyond the paved parts of the city, where two acres of ground, (making 32 city lots,) and buildings thereon, capable of accommodating 100 pupils, have been gratuitously leased to the managers of the Institution, for the term of nine years. The lease contains a covenant by which the owner binds himself to sell at any time within the period of the lease, the ground and buildings for 10,400 dollars, together with 5 per cent interest. A recent sale of lots adjacent has shewn this amount to be not one half the value of the property. The site is a beautiful and an eligible one, on rising ground, overlooking the Hudson river and the Jersey shore. The owner was aware of the value of the property and buildings, and has thus in fact conveyed to the Institution as a donation, more than 10,000 dollars, provided the managers purchase the premises before the expiration of the lease, as their duty will prompt them to do.

This munificent provision by a single individual, is one among many other evidences of the interest which has been excited in behalf of those unfortunately deprived of sight. The gentleman

who has contributed so largely to the permanent establishment of an asylum for the blind, is a well known merchant in the city of New-York, and the managers take great pleasure in stating that they are indebted to Mr. James Boorman, for this liberal and philanthropic gift.

The corporation of the city of New-York has given a donation of 500 dollars, and made some provision for those children who became blind in the alms-house, of which there are 8 now in the Institution. This provision however is wholly inadequate to meet the expense of their support, instruction, clothing and other incidental expenses.

To a number of individuals, the Institution is greatly indebted for their contributions during the past summer, which have enabled the managers to receive an additional number of pupils, pay the current expenses, repair, furnish and occupy the buildings on the 8th Avenue, and leave them in possession of 3,400 dollars, which has been put out on interest until required in the ordinary operations of the Institution.

The condition of the Institution at the present time is prosperous beyond expectation; but it must be evident that the interest of 3,400 dollars, a small annual appropriation by the corporation, and a few yearly subscriptions, will be very inadequate to the clothing of some, and the support and instruction of all the pupils, now amounting to 20, a list of whose names is hereunto annexed. Many others might now be received, if the funds of the Institution would permit. Under these circumstances, the managers do not hesitate to call upon the legislative authority of the State to make some general provision for the destitute blind. As the majority of those who are afflicted with blindness are among the less wealthy portion of the community, this Institution must in a great degree be a charitable one; but it is, nevertheless, intended to receive those in better circumstances, and to charge them accordingly.

This Institution is under the general direction and superintendence of Dr. John D. Russ, who for nearly two years has devoted himself gratuitously to the care and instruction of the blind; but in removing him from the sphere of his usefulness in his professional pursuits in the city to the direction of the Asylum on the 8th Avenue, it has become necessary to compensate him for his services, now wholly confined to this object. The domestic arrangements of the Asylum are entrusted to a widow lady, who, having a blind daughter, feels sensibly for the afflictions of others similarly situated, and is giving her services without compensation.

In the mechanical department, the managers (after trials and difficulties of various kinds,) have the pleasure to inform your honorable body that they are now well supplied with a conductor, in the efficient services of Wm. Murray, a young man who is himself blind, and who knows how to bear with patience the awkwardness of beginners in acquiring those trades to which he has been brought up in the school for the blind in Edinburgh, and a knowledge of which he can impart to others in his own condition. This acquisition is the result of a correspondence with the directors of the

Institution in the capital of Scotland, to whom application was made for such an instructor. Murray arrived here in October, and thus far has given entire satisfaction and practical demonstration of his ability in making baskets, mats and mattresses. Some of the male pupils have made respectable progress in these arts, and the managers have the satisfaction to state their belief, that by these and some other employments, the blind will be enabled to support themselves decently and reputably. A female (not blind) who is skilful in making fancy baskets, also resides at the Asylum, where she has made herself highly useful in that and other employments.

The before mentioned trades, together with weaving, will probably be the principal ones for males hereafter to be pursued, with a prospect of successful and useful results. The females, in addition to intellectual instruction, will be engaged in sewing, knitting, basket making, &c. Music is successfully taught to both males and females.

The time of the pupils is now divided into three parts, one for intellectual instruction, one for work, and one for music. A part of each evening is devoted to music at the Asylum, to enliven the tedium and perpetuity of darkness, as well as for future usefulness.

The Institution is thus progressing with steadiness and perseverance towards the accomplishment of its great design, the melioration of the condition of the blind. The success which has crowned the exertions of the managers leads them to hope for further encouragement and support; and that those in other parts of the State may participate in the benefits to be derived from this Institution, they respectfully solicit attention to the subject, and some general provision by the Legislature, similar to that for the deaf and dumb, by which every part of the State may send their indigent blind to this Institution.

By the census of 1830, there were ascertained to be more than 800 blind persons in the State of New-York. If we calculate, as has been done with the deaf and dumb, that one-third are too young and one-third too old for instruction, the remaining third of middle age will amount to 266, and with the increase of population to 300 or more, constantly requiring the fostering care of this Institution. Its permanent establishment having now become a matter of certainty, the Legislature will have the assurance and satisfaction to know that any appropriation they may make will be faithfully and economically applied to the objects intended.

The prayer of your petitioners therefore is, that this Institution may be sustained by the honorable the Legislature by such provisions as the expanded benevolence and utility of the undertaking may seem to warrant. Your petitioners would respectfully suggest that an appropriation of 12,000 dollars be made, to enable them to purchase the ground and buildings where the Institution is now established and to put them in complete repair; that six or more indigent blind persons (between 8 years and 25,) be authorised to be received from each Senatorial district, in the same manner and at the same expense to the State (130 dollars per an-

num,) as is provided for the indigent deaf and dumb, and that five years be allowed as the greatest extent of time that State pupils shall be received, during which time each pupil shall be instructed in some trade or employment carried on in the said Institution.

All of which is respectfully submitted, and for which, as in duty bound, your petitioners will ever pray.

By direction of the Managers.

SAMUEL AKERLY,
C. BOLTON,
SILAS BROWN.

New-York, January 6th, 1834.

IN ASSEMBLY,
January 31, 1834.

REPORT

Of the committee on claims, on the petition of Isaac Satterly.

Mr. Cuykendall, from the committee on claims, to whom was referred the petition of Isaac Satterly, for lands due the heirs of Henry Satterly, a soldier of the revolutionary war,

REPORTED:

That the petitioner sets forth, that he the said petitioner, together with William Satterly, John Satterly, Daniel Satterly, and Ruth Satterly, are the immediate heirs and legal representatives of Henry Satterly, (deceased). That the said Henry Satterly was enlisted and served as a private soldier in the line of this State in the army of the United States; and that he so served under an enlistment for and during the war; and that he died while in the service as aforesaid.

The petitioner further represents, that they, the heirs and legal representatives, have never received any patent of lands or other bounty, to which they conceive the said Henry Satterly was entitled.

Accompanying the petition are several affidavits, from which it appears that the said Henry Satterly was enlisted for and during the war; that he served in a company commanded by captain Samuel Sackett, in the regiment commanded by colonel Henry B. Livingston, and that he died at Peekskill, in the spring of the year 1777.

Your committee, on examining the ballot book, do not find that any bounty lands have been granted to any person for the services
[Assem. No. 117.]

of Henry Satterly, nor does his name appear to have been entered on the military register, in the office of the Secretary of State.

Your committee are however led to the conclusion, from the facts contained in the above mentioned affidavits, that the said Henry Satterly was enlisted for and during the war, and that he served under said enlistment until he died, and therefore, the prayer of the petitioner ought to be granted; and accordingly have prepared a bill providing for the payment of an equivalent in money, which they now ask leave to introduce.

IN ASSEMBLY,
January 22, 1834.

ANNUAL REPORT

**Of Alexander Dennistoun, an Inspector of Lumber
in the city of New-York.**

To the Honorable the Legislature of the State of New-York.

The subscriber, an inspector of lumber in the city and county of New-York, respectfully submits the following returns. Inspected by him during the year 1833, viz:

<i>Feet.</i>		<i>Value per M.</i>
677,208	merchantable sawed timber,.....	\$15 to \$16
98,047	refuse sawed timber,.....	7½ to 8
2,310	clear flooring boards and plank,.....	30 to 32
221,483	merchantable " "	22 to 20
68,613	seconds " "	14 to 13
6,372	refuse " "	7½ to 7
101,892	merchantable hard wood,.....	22 to 20
14,099	refuse hard wood,	11 to 10
239,972	box boards, measured only,	12 to 13
65,685	mercht. square timber, cts. per cubic ft.	15 to 20
622	seconds "	half price.
97,300	merchantable yellow pine ship plank,..	\$30 to \$35
91,406	refuse " " ..	half price.
147,203	merchantable cypress shingles,	\$3 to \$3½
15,015	culls, cypress shingles,	75 cents.
22,045	merchantable oak plank,.....	\$20 to \$25
6,091	seconds oak plank,.....	half price.
36,608	clear Albany boards and plank,.....	\$25 to \$30
219,872	mercht. " " "	14 to 15
2,564	refuse " " "	half price.

2,134,427 feet in all.

Amount of fees on the above, \$720 26

ALEXANDER DENNISTOUN, Inspector.

[Assem. No. 119.]

IN ASSEMBLY,
February 1, 1834.

REPORT

Of the select committee, on the petition of Hiram Pratt.

Mr. Clary, from the committee to which was referred the petition of Hiram Pratt, treasurer of the county of Erie,

REPORTED:

That the said county is indebted to individuals in the sum of about \$1,500, on account of building a new jail in said county; that no clerk's office has ever been erected in said county; but all the records and papers belonging in said office are kept in one of the rooms of the court-house in said county; that the jailer, with his family, occupies the basement story of the court-house, and the sheriff keeps his office in one of the rooms of the said court-house, and that the same is not a fire proof building.

It appears also to your committee, that by a certificate of the board of supervisors of the said county, the petitioner was directed to apply to the Legislature for an act authorising a loan to the said county of Erie, to the amount of two thousand five hundred dollars, with authority also to the board of supervisors of said county to raise the said sum of money, with interest, by tax, to be levied and raised in said county, in the years 1834 and 1835; and that the said sum of money to be borrowed as aforesaid, should be applied to the extinguishment of the debts due by the said county on account of building the new jail, and for erecting a fire proof clerk's office for said county.

The notices of the application having been duly published, your committee ask leave to bring in a bill accordingly.

[Assem. No. 120.]

IN ASSEMBLY,

February 4, 1834.

REPORT

**Of the minority of the committee on the petition of
Enos Stone.**

Mr. Sumner, from the minority of the committee to whom was referred the petition of Enos Stone,

REPORTED:

The petitioner alleges that on or about the month of July, 1824, Cornelius A. Van Slyck, of Rochester, was appointed by the Canal Commissioners collector of tolls, on the Erie canal, at Rochester aforesaid: that the amount of tolls collected from that time to the close of the navigating season was \$26,374.14, which was paid, with the exception of \$367.62, being the amount of errors charged by the Comptroller to have been committed by the said Van Slyck, in his returns: that the said Van Slyck was re-appointed to the said office of collector, in the month of June, 1825, and the petitioner, together with other persons, executed a bond, as sureties for the said Van Slyck, bearing date the first of June, of that year, and approved according to law, by Ashley Sampson, Esq., the first judge of the county of Monroe, on the twenty-fifth of the said month of June: that it appears, from the returns of the said collector, that he collected, in the months of March, April and May, \$22,525.01; and that he paid to the Comptroller, on the thirtieth day of May, the sum of \$9,936.33, and that he made no further payments until the 22d day of July, in the year last mentioned, and subsequent thereto: that it appears hence that the said collector was, at the time of his appointment in 1825, a defaulter to the amount of several thousand dollars, of which the petitioner alleges he was wholly ignorant, at the time of executing the aforesaid bond: that it also appears, from the amount of payments made by

[Assem. No. 121.]

the said Van Slyck, that he paid to the Comptroller about the same amount of moneys that accrued during the petitioner's bailship. It appears, from the bank book, kept by the bank at Rochester in the spring of 1825, which has been exhibited to your committee, that the said collector had been in the habit of depositing the moneys collected for tolls in the said bank, but that during the whole of the month of April of that year he did not so deposit one dollar, and that the collections for said month amounted to more than \$9,000: that the deposits made in said bank during the month of May, and up to the first day of June, amounted to about the same sum that was then due, for the collections made in April.

The petitioner alleges that the amount of tolls collected by the said collector, during the month of June and a part of the month of July, was applied in payment of the balance due by him, for tolls collected prior to the first day of June aforesaid, by reason whereof the said collector was made delinquent, during the petitioner's bailship, \$11,316.31, for which the petitioner, and his co-sureties, have been prosecuted in the supreme court upon the aforesaid bond, and a verdict recovered against them for the sum of \$16,542.24, besides costs, subject to a bill of exceptions taken to the charge of the circuit judge upon the trial: that in the said verdict is included the sum of \$1,000, with interest from the 18th day of April, in the year 1826, being the amount of a promissory note, drawn by Elisha Ely to Harvey Ely and said Van Slyck, and endorsed by the said Harvey Ely and Van Slyck, payable at the New-York State bank, and delivered by them to one of the Canal Commissioners, by whom the said note was delivered to the Comptroller, who deposited the same in said bank for collection: that the said Messrs. Elys were, at the time said note became due, perfectly solvent and able to pay the same, had they been prosecuted therefor; but by reason of the omission to give notice to the endorsers, and to prosecute the same, the amount of the said note has been lost, on account of the subsequent insolvency of the said Elisha Ely, the drawer of the note: that the said action, on the aforesaid bond, has been twice tried, and that the verdict obtained on the first trial was set aside by the *supreme* court, and a new trial granted in the *January term* of 1832; 8th Wendell's Reports, 403: that at the time of the last trial the petitioner was prevented from attending by sickness, and that the said trial was brought on in the absence of his witnesses, by whom he could have proved that the said Van Slyck, in the spring of 1825, expended large sums of

money in building canal boats, purchasing horses, and in fitting the said boats for navigation; and that the said Van Slyck had no funds other than those arising from the collection of tolls: that the petitioner is the only one of the sureties in the aforesaid bond who is solvent; and that he has been at very great expense in defending the said action, which was for a long time pending in the said supreme court: that the said Van Slyck is utterly insolvent, and if he shall be constrained to pay the money, for which the verdict has been obtained against him and his co-sureties, it will reduce him to absolute poverty in his old age: that when he executed the said bond he verily believed that the Canal Commissioners would not have re-appointed the said collector unless he had fully accounted for the tolls which had previously been collected by him; and that all the moneys which should be collected and paid in by the said Van Slyck, during the time of the petitioner's bailship, would be credited to him on account of the surety bond given by the petitioner and his co-sureties.

It appears by the evidence detailed in the *cause*, in 8th *Wendell's Reports*, 403, that on the 22d July, after the petitioner became bail, the sum of \$12,511.54 was remitted by the said collector. This sum the petitioner claims should be passed to his credit, but the court decided otherwise, for the reason, among others, that Van Slyck intended this sum to apply to reduce the tolls of the month of May: that this sum of money was collected in June and a part of July, is alleged by the petitioner, and it seems probable that such was the fact, because on the 30th of May the collector remitted the tolls for April, and it can scarcely be supposed that this sum of money was remaining during the month of June, and up to the time of the remittance in July. According to regulations existing at the time, as your committee are informed, it was the duty of the collector to make his returns, and remit the money which had been collected, at the close of each month; and he was at all events to do it within thirty days after the month ended. It is also reasonable to presume that the bond was not in fact received by the Canal Commissioners until after the 25th of June, because at that time it was approved by Judge *Sampson*. If this be so then the collector was a defaulter when the sureties became bail, for the reason that the tolls for the month of May were due and unpaid: whether the charge was made on the Comptroller's books or not can make no difference. The Comptroller could not make the charge until he received the returns of the collector, and

these returns were delayed by said collector, until he could get money to pay the balance due.

The petitioner concludes by asking the Legislature to exonerate him from the aforesaid bond; and the minority of your committee is of the opinion that, if, as alleged by the petitioner, the money collected in June and a part of July was taken on the 22d of said July to pay up the tolls of *May*, which, it will be observed, accrued previous to the bailship of the petitioner, that such application operated most unjustly towards the petitioner; and that he ought not to be ruined by such legal accounting; and asks leave to introduce a bill accordingly.

IN ASSEMBLY,

February 4, 1834.

REPORT

Of the judiciary committee, to whom was referred the bill entitled, "An act to amend title nine, part one, chapter twenty, of the Revised Statutes."

Mr. Phelps, from the judiciary committee, to whom was referred the bill entitled, "An act to amend title nine, part one, chapter twenty, of the Revised Statutes,"

REPORTED:

That the object of this bill appears to be the creation of an appellate jurisdiction, to revise the decisions of the commissioners of excise of every town in the State, in cases where they shall deem it inexpedient to grant a tavern license. That when it is considered that these commissioners are the supervisor and two justices of the town, in which the license is applied for, who in general are men of the most respectable standing and of good moral character, well acquainted with the necessities of the town in this particular, also with the ability and moral character of each applicant and the locality for which the license is requested, and also of the propriety or impropriety of acceding to the application, your committee are irresistibly forced to the conclusion, that the power of granting licenses, is, as at present exercised, as safely lodged and probably as judiciously exercised, as it would be under the supervision of an additional tribunal, vested with authority to reverse the decision of said commissioners. Your committee are therefore of the opinion, that it is inexpedient to recommend the adoption of the said bill, so far as relates to the erection of an appellate tribunal, but see no objection to the first section of the same, prohibiting a "supervisor or a justice of the peace, being a tavern-keeper or an applicant for a tavern license," acting as a commissioner of excise; and would in respect thereto, recommend the passage of the first section of said bill as printed.

[Assem. No. 122.]

No. 124.

IN ASSEMBLY,

January 22, 1834.

ANNUAL REPORT

**Of Nathan Roberts, an Inspector of Lumber in the
city of New-York.**

To the Honorable the Legislature of the State of New-York,

Agreeable to Revised Statutes, chapter 17th, I, as an inspector of lumber, beg leave to present to your honorable body, the following return of lumber inspected by me from 1st January, 1833, to 1st January, 1834, made out in cubic feet, superficial feet, inches and pieces.

[Assem. No. 124.]

1

Quantity and quality of lumber inspected.

	<i>Mercht.</i>	<i>Second.</i>	<i>Refuse</i>	<i>Prices.</i>
Yellow pine timber,.. cubic feet,	46,835	16,265	\$0 28
White " " "	69,518	4,774	0 16
Oak timber,.....	11,039	819	0 25
Locust timber,.....	1,882	400	0 75
Live oak timber,.....	5,560	1,012	0 80
Cedar timber,	2,830	842	0 50
Chestnut timber,.....	1,502	309	0 25
Chestnut joist,... superficial feet,	22,282	7,683	16 00
Ash plank,.....	13,732	20 00
Oak ship plank,.....	240,431	113,212	21,061	40 00
White pine ship plank,	230,648	93,651	40 00
Yellow " " "	47,223	5,194	40 00
Oak boards and plank,	14,076	5,478	30 00
White pine boards,...	23,780	900	111	14 00
" beams,...	66,163	36,024	16 00
Spruce beams,.....	56,409	20,274	14 00
Hemlock scantling,...	627	5,233	10 00
Cedar boards,	1,285	750	25 00
Cyprus plank, long, ..	1,444	13,963	25 00
Oak knees, inches,	9,976	1,969	0 75
Chesnut knees,.....	89	19	0 50
Spruce spars,	12,880	2,479	0 12
White pine spars,.....	927	31	1 50
Spruce spars, pieces,	454	70	5 00

Value of the above at prices current, about \$85,800.

Fees, \$1,235 11

NATHAN ROBERTS,

Inspector.

New-York, Jan. 1st, 1834.

IN ASSEMBLY,

February 1, 1834.

REPORT

Of the committee on claims, on the petition of Thomas Livingston.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Thomas Livingston, praying for damages sustained by him for an injury to his canal boat, and the loss of a cargo of plaster,

REPORTED:

That in the month of October last, at Verona, one mile east of the aqueduct over the Oneida creek, in the county of Oneida, his boat, called the *Freighter of Fayetteville*, run upon a log lying upon the bottom of the canal, upon which she struck, sprung a leak and sunk, by which means he lost his cargo of plaster, consisting of about one hundred and twenty barrels, containing about forty tons, and sustained considerable damage by an injury to his boat, which he was compelled to raise and repair; and also by means of the delay and interruption of his business. These facts are supported by abundant proof. The petitioner produces the affidavit of Daniel Lewis, a superintendent upon that section of the [canal, affirming the fact, that the injury took place in the manner already stated; and further, that the docking of the canal, was loose at the place where the injury happened, and he had no doubt but that this was one of the logs that was used for that purpose, which had broken loose from the docking on the side of the canal. Your committee are of opinion that this misfortune ought to fall upon the State, and not upon the petitioner, for this obvious reason, that the State, and not the persons navigating the canal, are bound to keep it in repair; and they have directed their chairman to report a bill for the indemnity of the petitioner, which they ask leave to introduce.

[Assem. No. 125.]

IN ASSEMBLY,

February 6, 1834.

REPORT

Of the committee on claims, on the petition of Paisley Laing.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Paisley Laing, praying for a law authorising the appraisal of his damages, occasioned by the erection of a dam across the Hudson river, called the Saratoga dam,

REPORTED:

That it appears, by the affidavit of the petitioner, supported and corroborated by the affidavit of five respectable citizens of the county of Saratoga, that the petitioner was formerly the owner of a house and lot, on the west bank of the Hudson river, about a half a mile above the Saratoga dam across the said river, in the town of Northumberland, county of Saratoga: that in consequence of the erection of said dam, the water in said river is raised four feet or more above its former level, at low water, opposite to his said dwelling: that in consequence of raising the water the bank between his house and the river, and where a public road passes, has washed away twenty-five feet or upwards, leaving not more than twenty feet, in 1831, between said house and the river. The house had been occupied by the petitioner as a tavern: that a valuable garden, attached to the house, is overflowed and rendered useless: that in high water the river usually overflows its banks in the spring; and in the spring of 1829, the water was from 10 to 15 inches deep, for several days, on the lower floors of said house: that in the year 1829 he duly presented his claim to Col. Young and his associates, canal appraisers, and they told him that they would call and view the premises; but he does not know

[Assem. No. 127.]

whether they examined them or not; nor does he know whether they took his claim into consideration: that afterwards he presented his claim for damages, to the canal appraisers, and they informed him that the claim had been passed upon, and they could not review it: that one of the Canal Commissioners has since informed him that he has examined the premises, and considers them greatly damaged, but did not think the existing law would authorise the appraisers to act upon it, as the claim had been once acted upon by the former board. And he further states that he has never received any compensation for his damages.

The committee find an act, passed on the 8th April, 1829, Session Laws of 1828-9, page 213, authorising the Commissioners to pay the damages occasioned by the erection and continuation of the said dam. Your committee also found on file in the Canal Room, the claim of the petitioner, dated in 1829; and upon the back of it the word rejected. The act also provided that there should be no appeal from the decision of the appraisers. From these facts it appears that the petitioner has never had a hearing before the appraisers, or any opportunity of substantiating his claim by evidence: and it abundantly appears, to the committee, that the petitioner has suffered a serious injury, for which he has received no remuneration.

Your committee have, therefore, concluded to bring in a bill authorising the canal appraisers to assess the damages, and provide for the payment, which they have directed their chairman to ask leave to introduce.

IN ASSEMBLY,

January 16, 1834.

ANNUAL REPORT

Of Benjamin Heartt, Inspector of Sole Leather in the city of Troy, county of Rensselaer.

To the Honorable the Legislature of the State of New-York.

I, Benjamin Heartt, inspector of sole leather in the city of Troy, in the county of Rensselaer, do hereby respectfully certify and report, that since the first day of January, now last past, and up to the first day of January, inst. I, as such inspector, have duly inspected and marked as follows, viz:

	<i>Lbs.</i>		
448 sides good sole leather, .	5,980½ at 20 cts.	\$1,196 10	
116 " "	. 1,860½ at 19 cts.	353 40	
3,317 " "	. 46,099½ at 18 cts.	8,297 86½	
1,526 " "	. 29,041 at 17 cts.	4,936 91	
337 " "	. 3,379 at 16 cts.	540 64	
400 sides damaged "	. 2,500 at 12 cts.	300 00	
147 " "	. 1,069½ at 14 cts.	290 25½	
113 " "	. 1,272 at 15 cts.	190 80	
335 " "	. 10,951½ at 16 cts.	666 20	
4 " "	. 49 at 17 cts.	8 33	
21 " "	. 337½ at 18 cts.	60 70½	
<hr/> 6,764	<hr/> 103,539½	<hr/> \$16,841 20½	

The amount of fees for inspecting, is..... \$217 13

All of which is respectfully submitted,

BENJAMIN HEARTT.

Troy, 11th January, 1834.

[Assem. No. 128.]

Rensselaer county, ss.

Benjamin Heartt, being duly sworn, says the foregoing is a statement of the quantity, quality and value of sole leather inspected by him, from the first of January, 1833, to the first of January, 1834, and also the amount of fees received by him for the inspection of the same.

BENJAMIN HEARTT.

Sworn before me, this 13th day
of January, 1834,

D. A. STONE, Justice Peace.

IN ASSEMBLY,
January 25, 1834.

ANNUAL REPORT

**Of Israel Sloan, Jr. an Inspector of Beef and Pork
for the county of Onondaga.**

To the Honorable the Legislature of the State of New-York.

The undersigned, an inspector of beef and pork in and for the county of Onondaga, would respectfully beg leave to report, that he has inspected for the year past and since the date of his last report, the following number of barrels of beef and pork, to wit:

353	barrels of mess pork,	worth here \$14½ per barrel,	\$5,118 50
659	" prime pork,	" 10½ "	6,919 50
83	" mess beef,	" 7 "	581 00
316	" prime beef,	" 5 "	1,580 00
<hr/>			
Total value,			\$14,199 00

For which my compensation, after deducting expenses, has amounted to \$90.17.

All which is respectfully submitted,
ISRAEL SLOAN, Jr.

Pompey, 1st January, 1834,

IN ASSEMBLY,
February 5, 1834.

REPORT

Of the Comptroller, on the petition of the supervisors of Broome county.

COMPTROLLER'S OFFICE, }
Albany, February 5, 1834. }

To the Assembly.

The Comptroller, on the reference from the Assembly of the petition of the supervisors of Broome county,

RESPECTFULLY REPORTS:

That the supervisors ask for the passage of a law, which will authorise them to pay the sum loaned to the county of Broome from the School fund, at the rate of five hundred dollars in each year, with the interest annually. So far as the interests of the State or of the School fund are concerned, there is not, in the opinion of the Comptroller, any objection to the passage of such a law as is asked for by the supervisors.

Respectfully submitted,

A. C. FLAGG, Comptroller.

IN ASSEMBLY,

January 24, 1834

ANNUAL REPORT

**Of Isaac P. Hand, an Inspector of Lumber in the
city and county of Albany.**

To the Honorable the Legislature of the State of New-York.

In compliance with an act of this State, regulating the inspection of lumber, the subscriber, an inspector of lumber for the city and county of Albany, respectfully submits the following annual statement of quantity and quality, together with average price sold at. The same ending 31st December, 1833.

<i>Feet.</i>	<i>Per M.</i>	<i>Value.</i>
19,207 oak plank and boards,	at \$15,	\$288 10
2,124 basswood plank,.....	15,	31 86
18,012 " boards,.....	10,	180 12
74,117 cherry boards and plank,	25,	1,852 92
86,476 maple boards, plank and joist,	10,	864 76
31,701 first quality whitewood plank,	35,	1,109 53
66,360 second " "	20,	1,327 20
920,937 whitewood boards,.....	11,	10,130 30
74,429 " joist and columns,.....	11,	818 71
132,876 ash boards and plank,	14,	1,860 26
7,481 sycamore boards, plank and joist, .	10,	74 81
289,417 first, second and third quality pine boards and plank,.....	26,	7,524 84
1,810,724 4th qual. and box boards & plank,	11,	19,917 96
92,431 beam timber,	10,	924 31
4,979 pine square timber, at 13 cents per foot,..		647 27
		<hr/> \$47,522 95
Fees,	\$1,178 63	

ISAAC P. HAND.

Albany, January 23d, 1834.

[Assem. No. 133.]

IN ASSEMBLY,

February 7, 1834.

REPORT

Of the committee on rail-roads, on the petition of the president and directors of the Buffalo and Black Rock rail-road company,

Mr. Beardslee, from the committee on rail-roads, to whom was referred the petition of the president and directors of the Buffalo and Black Rock rail-road company, together with the reports of the Surveyor-General and the Canal Commissioners thereupon,

REPORTED:

That the petition prays that a law may be passed authorising said company to construct said road about three-quarters of a mile over and upon lands belonging to this State.

Your committee believe that, with the restrictions and limitations contained in the bill herewith presented, the prayer of the petition may be granted, without detriment to the State.

Your committee, therefore, ask leave to bring in a bill for that purpose.

IN ASSEMBLY,
February 8, 1834.

REPORT

**Of the Attorney-General, concerning the suit brought
by Alvah Beebe, against the Speaker of the last
House of Assembly.**

STATE OF NEW-YORK, }
ATTORNEY-GENERAL'S OFFICE. }

To the Speaker of the Assembly.

SIR—

I submit herewith a report, concerning the suit brought by
Alvah Beebe, against the Speaker of the last House of Assembly.

Very respectfully,

Your obedient servant,

GREENE C. BRONSON.

Albany, February 8, 1834.

REPORT, &c.

STATE OF NEW-YORK, }
ATTORNEY-GENERAL'S OFFICE. }

To the Speaker of the Assembly.

SIR—

In pursuance of an order of the last House of Assembly, Alvah Beebe was arrested on a warrant issued by the Speaker, Charles L. Livingston, Esquire, and brought before the House, to answer for a contempt and breach of its privileges. After having been convicted and reprimanded for the offence, he was discharged from the custody of the Sergeant-at-Arms. He then commenced an action for false imprisonment, against the Speaker, in the supreme court: which action the Attorney-General, by a resolution of the House, was required to defend. *Assembly Journal, 1833, p. 485.*

The Attorney-General deems it proper to inform the Assembly, that he attended to the duty enjoined upon him by the resolution, and defended the suit. The order of the Assembly for the arrest of Beebe, and the subsequent proceedings, to the time of his discharge, were specially pleaded. The supreme court decided that the order, and proceedings of the House, furnished a complete justification to the Speaker, and rendered a judgment in his favor. Execution has been issued against Beebe for the costs of the suit.

Respectfully submitted.

GREENE C. BRONSON, *Attorney-General.*

Albany, February 8, 1834.

IN ASSEMBLY,
February 7, 1834.

REPORT

**Of the committee on the incorporation and alteration
of the charters of Banking and Insurance Com-
panies.**

Mr. Morris, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were severally referred, so much of the Governor's message as relates to banks and the banking system of this State: the resolution of the Assembly of the 10th of January, brought in by Mr. Myers, directing the said committee to inquire into the expediency of embracing, in the bank bills which may be reported to the House, the principle of certain sections which accompanied said resolution: and also the bill from the Assembly, brought in by Mr. Robertson, on the 23d day of January, entitled, "An act in addition to an act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829,

REPORTED:

That the Governor calls the attention of the Legislature to the numerous applications for the increase of banking institutions. He asserts that banking privileges are monopolies which should not be increased beyond the actual exigencies of the public: that in respect to these institutions, private interest should not influence our action, unless it accords with the public demand for them; and that all legislation which turns aside from the public good, to administer favors to individuals or classes, is partial and mischievous. He also asserts, that every charter we may grant on the terms heretofore imposed, will confer a donation on the stockholders of a sum varying from ten to fifteen per cent on the capital of the

[Assem. No. 136.]

corporation. He calls our attention to that universal law of human conduct—self-interest—that we may discover, whether a direct pecuniary benefit to individuals, may not have caused this cry of public necessity for such institutions. He then suggests that if any means could be devised, to cause the stock to go into the hands of those to whom it is distributed, worth only its par value, there would be much less solicitude for the increase of banks. He considers that the increasing pressure upon the Legislature for the multiplication of banks, and the constantly recurring contests attending the distribution of stock, are every day demonstrating the propriety of such a measure.

The Governor suggests several expedients to accomplish the desired object. To each of which he also presents prominent objections.

“One of the most effectual modes” which had occurred to him, “of withholding from the original owners, the premium on bank stock, is by public sale, and reserving to the State the advance above the par value.”

To this mode the Governor presents these objections:—

It would facilitate the concentration of stock in the hands of a few wealthy individuals, and thereby lead to a monied influence unfriendly to the free principles of our government.

The bank might fall into the hands of a few persons, residing at a distance from its location, who might not feel disposed to accommodate local customers, and could use its facilities for personal and private purposes; instead of its stockholders being in its vicinity, and composed of citizens of various pursuits and different sentiments, who would be more certain to fulfil the public design of the institution.

Combinations, by speculators, at the sale, might prevent fair competition, and engross the stock.

The desire to supply the wants of an exhausted treasury, or to increase a favorite fund, might possibly operate as an inducement to grant applications which could not be sustained on the ground of public policy.

These are the objections to a public sale of the stock suggested by the Governor. Notwithstanding which he says: “These ob-

jections, to some extent, at least, are admitted; but it is believed their force might be much weakened by wise provisions of law, regulating the sales; yet whether sufficiently so, to render the measure expedient, is a question for your deliberation."

Another expedient suggested by the Governor, to prevent applications for banks, when the exigencies of the community do not require them, is to reduce the interest upon bank loans.

To this mode of remedying the existing evil, he suggests the following objections:—

Loans by the banks, would in the first place, be made to personal friends; who would again loan to the community, and obtain the amount beyond the fixed rate of interest.

The benefits of the banks would become concentrated; and might increase the applications for banks, that they might be used exclusively for private speculations. It might convert the banks into purchasers of other paper, at a discount; instead of following their legitimate business of discounting paper made payable to themselves.

Another suggestion made by the Governor, in case the stock to be created is to go into the hands of the successful competitors worth more than its par value, is, that commissioners should be appointed for the distribution of stock in every instance, who reside out of the county where the bank is to be located: who shall be disqualified from holding any office in the bank; and from taking directly or indirectly any of the stock, for a limited time after it shall go into operation.

These form the substance of the Governor's suggestions of expedients to prevent improvident applications to the Legislature for bank charters; and the objections he has raised to each suggestion.

The Governor also suggests to the Legislature, whether it would not be well to restrict the circulation, not only of the new banks, but in due time also of those already incorporated, to the amount of their capital, for the purpose of strengthening our banking system.

The resolution of the 10th of January, offered by Mr. Myers, proposes for the consideration of your committee, certain sections

to be embraced in the bills to be reported in favor of bank charters, carrying out in detail, the suggestion of the Governor to sell at auction all the stock of banks to be chartered.

The bill introduced by Mr. Robertson on the 23d of January, proposes to restrict all the banking incorporations of this State, to divide among their stockholders, no greater sum than at the rate of seven per cent per annum upon the stock of such incorporation actually paid in. That the excess of the profits, over and above seven per cent per annum, shall remain the property of the corporation, until the expiration of the charter; not to be used for purposes of discount, but to be invested upon personal security, and upon bond and mortgage; to accumulate at an interest of seven per cent. Such excess to constitute an additional safety fund for the security of the bill holders and creditors of such banking incorporation, during the continuance of the charter; to remain liable to the payment of the debts of such corporation, in the same manner as the capital stock and other property of the institution. That the banking incorporation shall annually report to the Bank Commissioners the state and condition of the said fund.

The object of the law proposed by Mr. Robertson, is two fold.

1. By affording to the stockholder a small immediate profit to depress the great desire for bank stock; and to prevent such applications for bank charters as are originated merely for the purpose of individual speculation.

2. By the accumulation of an additional safety fund, to be securely invested, to add to the stability of our banking system.

Could the Legislature attain these objects without interfering with the money market, or adding to the present pecuniary pressure, they would, in the estimation of your committee, confer a lasting benefit upon the community; not only by insuring the safety of our banks, and adding more substance to our circulating medium, but by ceasing to gratify the prevalent speculating appetite. The public would then turn its attention to the ordinary and legitimate occupations to acquire wealth, instead of seeking and with avidity entering into stock speculations, a system of gambling, not more dangerous to the pecuniary interests than it is prejudicial to the morals of the community.

The annual report of the Bank Commissioners, exhibits our banking system to be in a healthy state; and assures us, not only

that the people have perfect confidence in our monied institutions, but also, that those institutions are capable of withstanding the unnatural and (for selfish and political purposes) forced pressure upon the monied transactions of our citizens. A system so successful, so favored, should be touched with care, and only be altered when the defect is palpable, and when those who apply the remedy cannot err as to the effect the alteration will produce.

Slight causes have frequently produced serious effects in the money market. Your committee, therefore, conceive it would be injudicious legislation, particularly at the present crisis, to attempt any alteration in our present system of banking, which would tend in the slightest degree to prejudice the interest of capital already invested. It might add to the present pecuniary alarm, by causing capitalists to withdraw their funds, for the purpose of placing them in what might be considered more stable even though they should not promise to be more profitable investments. With these views, your committee will proceed to examine the several propositions which have been submitted to their consideration.

If a law should be passed of the description proposed by the bill of Mr. Robertson, one part of it (the limiting the amount of dividends to be distributed among the stockholders) would have a direct effect to prejudice the interests of capital already invested. It is true, that seven per cent, the proposed limit, is as large a dividend as many of our banks make, particularly those in the city of New-York, and may be justly said, as it is the legal interest, to be as much as any individual should demand. But still, this might have an effect to cause capital to be withdrawn. Individuals might prefer to run less risk, and to put their money out on bond and mortgage, where they would receive the same amount of interest; or they might prefer individually, to use their funds in the purchase of notes at a discount; or they might determine to withdraw their capital altogether, and place it where the laws were less fluctuating. At all events, without pretending to specify any particular effect an alteration of the kind would make, it is sufficient for your committee, that such alteration would prejudice the interest of capitalists, and might produce an unfavorable effect upon the community. Such uncertainty of consequences prevents your committee from viewing favorably this proposition, or the one of the Governor, of similar import.

Your committee would deeply regret that they, or the Legislature, should in the slightest degree be instrumental, though innocently so, in adding to the present pressure, and thereby assist the United States Bank in its system of oppressing the people, or to have their acts distorted into a reason why that institution should be considered essential to the wants of and to the facilities required by the public. Your committee would prefer, and do recommend, that it be left to a subsequent Legislature, when the present pecuniary storm shall have subsided—when business shall have settled down into its usual calm and firmness—to propose and effect such alterations as may be deemed necessary to prevent exorbitant profits to stockholders, and to add to the firmness of our justly popular banking system.

There is another and more serious objection to the bill proposed by Mr. Robertson. The surplus profit proposed to be invested upon bond and mortgage and upon personal security, and to be increased by the accumulation of its own interest, should the institution be well managed and fortunate, would, long before the expiration of the charter, amount to a sum exceeding the capital. This would particularly be the case with our smaller institutions, the profits of which have always been the most. As directors of banks are appointed annually by the stockholders, this fund might operate as an inducement to designing and dishonest individuals, to obtain the control of the institution; for the purpose of dividing this accumulated treasure among themselves. That success could attend such an attempt, is proved by similar transactions which occurred some years since in the city of New-York. At that time many insurance companies fell into the hands of individuals of the description alluded to, the funds of which were squandered, the institutions were destroyed, and the scanty means of widows and orphans were dissipated. Your committee believe that a fund, thus to be accumulated, though with the intention of strengthening the institution and securing the public, would prove the means of destroying the one and seriously injuring the other.

Your committee believe, with the Governor, that very many applications for banking charters, owe their origin to individual desire to realize the first profits upon the stock which is to be created. The same persons are found petitioning for different institutions, and for institutions to be located in different parts of the State. Experience, and the published subscription lists, show that the same

persons subscribed for and obtained stock in several banks, located in different sections of our State. A list of the stockholders when the banks commenced operation, would show that these persons had then disposed of their stock. Subsequent Legislatures find the names of those individuals attached to petitions for other charters; and the individuals themselves are found about our legislative halls, strenuously urging the extreme necessity for the new institutions; presenting the "strong claims" of different applications; painting in glowing colors the pressing wants of different and distant neighborhoods, and by turns urging each as "the most meritorious application." The many and warm contests that each Legislature experiences, upon the question, "who shall be the commissioners to distribute the stock?" and the exertions which have been made to defeat a bill, only because particular friends had not succeeded in being appointed commissioners, and that too by the same persons who had strenuously urged upon the committee that a bank was vitally essential to the farming, mechanical and mercantile interests of the place; all these facts shew, that however strong may have been the claims of the proposed location, however necessary a bank may have been to the community for which it was solicited, that many of the individual applicants only desired the first profits upon the stock, and were willing to sacrifice the claims and the interest of the whole community to their selfish, mercenary objects. They would destroy the application one year, that the fear of their power might, in the succeeding year, place them in a situation where they could participate in the first profits of the stock.

The recent examination made by the Senate, in relation to the manner in which the charter of the Seventh Ward Bank of the city of New-York was obtained, and the paper controversy which occurred in relation to the distribution of the stock of that bank; show, that first profits on the stock was the only inducement with very many of the advocates for that institution. The examination alluded to also shows that the desire for first profits upon stock, has heretofore sent individuals to attend upon the sitting of the Legislature, with but the single object to obtain stock that should be created. They would advocate any application, the friends of which would promise them stock; and would as actively oppose the chartering of such as refused to let them participate in the first profits alluded to. These are the evils which cause suspicion to be cast upon every banking application; which cause the most worthy of our citi-

zens who attend upon the Legislature, honestly to represent the claims and necessities of particular communities, to be suspected of being actuated by impure and speculating motives. These are the evils which, if permitted to continue, will cause suspicions abroad, of the purity of the Legislature of our State. If permitted to continue, they must bring our authorities and our people into disrepute. These consequences, in addition to the high source from which the suggestions to remedy the evils have emanated, have called the serious attention of your committee to those suggestions.

The proposition of the Governor to appoint commissioners to distribute the stock, who reside out of the county where the bank is to be located, does not meet the approbation of your committee. Your committee believe, upon the score of integrity, that commissioners of equal standing may be procured in each county of the State; and that those who reside where the bank is to be located, possess the advantage of a knowledge of the interests of the institution, have more at heart the good of the immediate community, and a more correct estimation of the standing and the object of the applicants for stock.

The remaining suggestion is, to dispose of the stock by sale, and to reserve to the State the amount beyond the par value. Your committee are aware (as far as they have had any opportunity of ascertaining) that this project has not met the approbation of members, and does not appear to have been favorably viewed by the public; and they freely admit, that at first, it received their decided disapprobation. Subsequent examination and reflection have, however, brought your committee to the unanimous conviction, that it is not only the best, but the only remedy for the existing evils, which will not interfere with the stability of the institutions to be incorporated; with the interests of the community for whose benefit banking charters are to be granted; or with the right and the opportunity each member of the community should possess, of participating in the benefits granted by legislation. Your committee confidently trust, that after mature consideration, it will not only receive the cordial support of members, but the full approbation of our constituents.

Your committee have not adopted entire the sections submitted for their consideration, by the resolution of the 10th of January.

The sections to be incorporated into the bank bills, which will be reported by your committee, will contain the following principles:

Commissioners to distribute the stock shall be taken from the vicinage of the location of the bank;

All stock must be disposed of at at least five per cent above its par value;

The commissioners shall distribute three-fifths of the stock to subscribers;

The remaining two-fifths of the stock shall be disposed of at public auction, in lots of not more than ten shares;

An amount equal to the average brought by each share disposed of at auction, shall be paid by the distributees upon each of their shares. In no event, however, shall the distributees pay over fifteen per cent upon the par value of the stock;

The expenses of the distribution, and of the sale at auction, shall be defrayed out of the funds of the institution;

The amount beyond the par value shall be paid into the treasury of the State, for the benefit of the common school fund.

These are the material alterations which your committee have made to the sections submitted by the resolution of the House, and they believe this principle will obviate every suggested objection to a sale at auction.

It could not facilitate the concentration of stock in the hands of a few wealthy individuals, because, in the first instance, a majority of the stock (which gives the control of the institution,) would be distributed among the friends of the application, to those who would subscribe with the intention of holding the same as an investment, and for the purpose of having a voice in the selection of officers, and in the management of the institution.

The smallness of the lots offered, would give fair competition to bidders; the certainty that nothing could be made by selling the stock before the bank went into operation, would prevent any bids except by those who desired the stock for the purpose of investment.

The bank could not fall into the hands of a few and be used for personal and private purposes. It would not be as liable to such

[Assem. No. 136.]

a disposition as under the present system, because by the present mode, favoritism is enabled to, and does distribute shares largely among persons who subscribed only for the purpose of immediately selling at a premium that which they fortunately obtained. This throws into market so large a proportion of the stock, that although the distributors by having retained proxies to vote upon such shares, may elect the first directors of the institution, it is perfectly uncertain to whom the government of the bank may be confided at any subsequent election. This facility of obtaining stock in market, and the uncertainty who may be directors, hold out greater inducements for individuals to attempt to obtain the control of the institution, that it may be used "for personal and private purposes," than would the proposed system, when a judicious distribution of the three-fifths of the stock would preclude all probability of success to such an undertaking.

There could not be a combination of speculators at the sale; because the object for combination is destroyed, no money could be made by the purchase, and the control of the institution could not be obtained. Where there is no probability that money is to be made, there will be found no speculators. The maximum limit of the cost of stock to subscribers will relieve them from all apprehension, that a vindictive individual, by paying an immense price for a few shares at the auction, might expose such subscribers to the payment of far more than the value of the stock, and it will also relieve them from the effect which, without it, might be produced by an improvident though honest competition for the stock at auction.

The desire to increase the school fund could not operate to increase banks. Enthusiastic, even to insanity, must be that philanthropist, who, at the present flourishing condition of our common schools, would ransack the State for a place to originate a bank application, merely for the benefit the school fund might receive from the granting of a charter. It is the starting of the application which is the evil, and that only will be done by individuals, who are personally to be benefitted, or by communities, whose exigencies require banking facilities.

Banks are monopolies. They are powers to accumulate wealth, abstracted from the rights of individuals: yet the business system of our country requires them. Our object should be, however,

rather to diminish, than augment the aristocratic tendency of such institutions. Charters should not be granted, except where the public exigencies demand them. As they are so much taken from the people, each individual should be fairly enabled to participate in the profits and accommodations of the institutions. As the people's grant gives an immediate value to the stock, without the least action on the part of the institution, that same people are alone entitled to the benefit of that value. Your committee can conceive no more certain method of enabling each individual to participate in those profits, than by appropriating them to education, which conduces to the benefit of all.

IN ASSEMBLY,
February 7, 1834.

OPINION

**Of the Attorney-General, concerning the taxation of
debts owing to the School fund of the State of
Connecticut.**

STATE OF NEW-YORK, }
ATTORNEY-GENERAL'S OFFICE, }

To the Speaker of the Assembly.

SIR—

In obedience to a resolution of the Assembly, I submit herewith an opinion, concerning the taxation of debts owing to the School fund of the State of Connecticut.

I am, with great respect,
Your obedient servant,

GREENE C. BRONSON.

Albany, February 7, 1834.

OPINION, &c.

"STATE OF NEW-YORK,

"In Assembly February 3, 1834.

"Resolved, That the committee on ways and means be instructed to inquire whether the act, entitled "An act to subject certain debts, owing to non-residents, to taxation," ought to be so construed as to embrace debts due to the School fund of the State of Connecticut.

"By order.

"P. REYNOLDS, Jr. *Clerk.*"

By a subsequent order of the Assembly, the committee on ways and means was discharged from the further consideration of the resolution, and the same was referred to the Attorney-General for his opinion.

By an act passed in 1813, the Legislature gave its consent to "all conveyances of real estate in this State, which have been made to the State of Connecticut, or a trustee of said State, for the security, protection and benefit," of the Connecticut school fund: and in 1825 another act was passed, making further provision on the subject, and extending the consent of this State to all conveyances, "made or to be made," "for the security protection and benefit of said School fund." The preamble to the first act was in the following words: "*Whereas* it is represented to this Legislature that the State of Connecticut have, by a permanent appropriation, constituted a fund for the support of free schools; and that sundry citizens of this State have become debtors to said fund; and that, for the accommodation of said citizens, as well as the security of said fund, it has been found convenient to make conveyances of real estate in this State to the said State of Connecticut, or the trustee of said State, for the use and benefit of said School fund; and it appearing to this Legislature that the establishment of said School fund is for a useful and benevolent purpose, and will be of great public benefit"—3 Rev. Stat. 379, 380.

Under the authority of these laws the State of Connecticut has invested a portion of the moneys belonging to its School fund, in mortgages on real property within this State. The question is, whether those debts are subject to taxation, under the act of the last session. Laws of 1833, p. 355.

The first section of the act is in the following words: "All debts owing by inhabitants of this State, to *persons* not residing therein, for the purchase of any real estate, or secured by a mortgage on real estate, shall be deemed personal property within the town and county where the debtor resides, and as such shall be liable to taxation in the same manner, and to the same extent, as the personal estate of citizens of this State."

It will be observed that the debts to be taxed are such as are owing to "*persons* not residing," within this State. The second section directs that "the names of the creditors" shall be inserted in the assessment rolls. In the seventh section the word "him," and in the twelfth section the word "his," are used to designate the creditor. The twelfth section provides that "any creditor whose name shall be inserted in such rolls," "may, by his own affidavit," show that an error exists in the rolls. There are no words in the act, which, in terms, include debts due to foreign corporations, or corporate bodies created by other States. But the decisions of our courts leave no room for doubt that such debts would be subject to taxation under this statute. It has been holden that the word "person," in the act restraining private banking associations, includes corporations: and that the words "inhabitants" and "persons," in acts authorising taxation, respectively include corporations as well as individuals. Independent of adjudged cases, it has been enacted, as well in reference to the Revised Statutes, as "any other statute," that, "when any subject, matter, party or person, is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and *bodies corporate* as well as individuals, shall be deemed to be included; and these rules of construction shall apply in all cases, unless it be otherwise specially provided, or unless there be something in the subject or context repugnant to such construction." 2 Rev. Stat. 778, sec. 11.

This view of the subject does not dispose of the inquiry presented by the resolution of the Assembly. A State is a political body,

and has a legal capacity to do many acts; but it is not, in the sense usually attached to the term, a corporation. There are some points of resemblance between a corporation and an independent government, but there are others in which they are wholly dissimilar; and although, on a liberal construction of certain statutes, the word "person" has been deemed broad enough to include a body politic, it has never been held that it could include a nation, State, or other sovereignty. Again, the expressions "*non-residents of this State*"—"non-resident creditor," and the like, imply a residence somewhere else, which would not be appropriate language in relation to a State.

There are other parts of the act which show that the Legislature could not have intended to include debts due to a State. By the 22d section, the county treasurer is authorised, in certain cases, to file a bill in the court of chancery "against such non-resident," and others, "for the discovery and sequestration" of his property. The 25th section provides, that "where non-residents, who are parties" to any such bill, shall have any known agent in this State, the court may order that service of the subpoena on such agent "shall be deemed sufficient to entitle the complainant to an order for the principal of such agent, to appear and answer such bill." It can not for one moment be supposed, that the Legislature intended to authorise a county treasurer, or any other officer, to implead the State of Connecticut in the courts of this State. Yet such authority is given, or rather attempted, if a State be a non-resident creditor within the meaning of the act.

It is also worthy of remark, that if the act embraces debts due to another State, it includes also debts due to the United States—a subject of taxation beyond the constitutional power of the Legislature.

If it is allowable to look beyond the language of the act, for the purpose of ascertaining its meaning, further reasons may be found against such a construction as will include debts owing to the State of Connecticut. There was much diversity of opinion among the members of the last Legislature in relation to the general policy of the act, and its provisions underwent a very full discussion. Particular classes of creditors, on whom the law was designed to operate, were often mentioned in the debate, and some of those creditors remonstrated against the measure. And yet in

all that was said for and against the passing of the act, and concerning its effect upon third persons, it is believed that it was never once suggested, from any quarter, that it was expedient to tax debts due to the State of Connecticut, or that such would be the practical operation of the law. The fact that the State of Connecticut had mortgage debtors in this State, not only appeared by the statute book, but was a matter of public notoriety; and it can hardly be supposed that the bill was designed to embrace those debts, while both the friends and the opposers of the measure were entirely silent on the subject.

A distinct proposition to tax debts of this description could not have passed without discussion. The policy of taxing individuals and corporations residing in other States and countries, was doubted by many; but that was a far less questionable measure than that of imposing a tax on the funds of a sister State. It should also be noticed, that the burden, if one was intended, was to fall upon a fund which had been appropriated "for the support of free schools:" and although the people of the State of Connecticut had the primary and most important interest in the fund, its successful management could not but prove beneficial to the citizens of this, and every other State in the Union. The Legislature did not regard this fund as a matter of merely local importance, when it declared in the preamble to the act of 1818, already cited, that "the establishment of said School fund, is for a useful and benevolent purpose, and will be of great public benefit."

It is possible that the Legislature would not have deemed it impolitic to impose a burden on a sister State, and one which should abstract something from a fund devoted to the cause of education: but that the Legislature intended to tax debts of this description, can not be fairly inferred from the language of the act, and there is nothing in the nature of the case which should induce such a presumption.

The Commissioner of the Connecticut School fund consulted eminent counsel on the construction of the act, who concurred in opinion that the debts in question were not subject to taxation. But as the neglect to furnish lists, if wrong in their construction of the law, would subject each of the agents residing within this State to a penalty of five hundred dollars, it was deemed the more safe and prudent course to furnish the proper statements, until the

subject could be presented to the consideration of the Legislature, for some more explicit provision: and it is understood that the School fund debts have been assessed in several of the counties of this State.

Should the Legislature concur in the opinion of the Attorney-General, that debts due to the State of Connecticut, or its School fund, are not subject to taxation under this act, it is respectfully suggested that a declaratory law might prevent litigation, and relieve as well the State of Connecticut, as the public officers in several of the counties of this State, from any embarrassment on this subject.

Respectfully submitted.

GREENE C. BRONSON, *Attorney-General.*

Albany, February 7, 1834.

IN ASSEMBLY,
January 27, 1834.

ANNUAL REPORT

**Of Isaac Leonard, Inspector of Sole Leather in the
county of Monroe.**

To the Honorable the Legislature of the State of New-York:

The inspector of leather for the county of Monroe, respectfully reports, that during the year ending on the 31st of December, 1833, he has inspected within said county, viz:

7,014 sides 1st quality,	107,467 lbs. at 19 cts. pr lb. is	\$20,418 73
990 " 2d quality,	14,741 " 15 "	2,211 15
<hr/> 8,004 sides.	<hr/> 122,208 lbs.	<hr/> \$22,629 88

My fees on 8,004 sides at 4 cents per side, is.. \$320 16

I would further report, I am not at present in possession of any information that would tend to the improvement in quality or increase in the quantity of the article subject to my inspection.

Respectfully submitted.

ISAAC LEONARD,

January 23d, 1834.

Inspector.

IN ASSEMBLY,

January 27, 1834.

ANNUAL REPORT

Of an Inspector of Sole Leather for the city and
county of New-York.

HON. WILLIAM BAKER,

Speaker of the house of Assembly.

SIR—

Pursuant to law, the undersigned, inspector of sole leather for the city and county of New-York, respectfully submits the annexed return of sole leather, inspected by him during the time from 25th March, to 31st December, and is as follows:

Number of sides, hemlock, 83,362, estimated average weight per side, 15 pounds, total weight 1,250,430 pounds, average value 15 cents per pound, \$187,564.50. One-twentieth part bad and damaged, the remainder good and best.

Number of sides, oak, 26,145, average weight 13 pounds, total weight 339,885 pounds, valued at 22 cents per pound, \$74,774.70. One-twentieth part bad and damaged, the remainder good and best.

Fees for inspection,	\$2,190 14
Deduct expenses,	580 14
	<hr/>
	\$1,610 00

Total number of sides,..... 109,507,

New-York, 1st February, 1834.

[Assem. No. 139.]

1

IN ASSEMBLY,

January 28, 1834.

ANNUAL REPORT

Of Erastus Miller, an Inspector of Flour for the city of Albany.

To the Honorable the Legislature of the State of New-York.

In pursuance of a law regulating the inspection of flour and meal in this State, I herewith transmit to your honorable body, a statement of the number of barrels and half barrels of flour and meal, and the qualities and average value per barrel of each, inspected by me in the city and county of Albany, from the 1st of April, to the 31st of December, 1833; together with the amount of fees and disbursements on such inspection, viz:

Averaging.

121,982 barrels superfine flour,	\$5 50 each,	\$670,901 00
2,691 half barrels superfine flour, .	2 87½ "	7,736 62½
2,318 barrels fine flour,	5 12½ "	11,879 75
542 barrels bad flour,	4 50 "	2,439 00
4 half barrels bad flour,	2 37½ "	9 50
707 barrels fine middlings flour, .	4 62½ "	3,269 87½
260 barrels middlings flour,	4 25 "	1,105 00
8 barrels fine rye flour,	3 75 "	30 00
13 barrels buckwheat flour, ...	4 00 "	52 00
15 half barrels buckwheat flour, 2 12½ "		31 87½
<hr/> 123,540 barrels and half barrels.		<hr/> \$697,454 62½ <hr/>

Fees on 128,540 bbls. and half bbls. at 2 cts. each,...	\$2,570 80
Weighing 298 light of the above, at 4 cts. each,	11 92
	<hr/>
	\$2,582 72
Disbursements for deputies, rent of office, tools, &c...	848 86
	<hr/>
	\$1,733 86
	<hr/>

ERASTUS MILLER,
Inspector.

Albany, January 26th, 1834.

No. 141.

IN ASSEMBLY,

January 27, 1834.

ANNUAL REPORT

Of Isaac Sherwood, an Inspector of Sole Leather in
the city of New-York.

To the Honorable the Legislature of the State of New-York.

The undersigned, one of the inspectors of sole leather for the city and county of New-York, does hereby, agreeably to the requirement of the law, respectfully report, that during the year 1833, he has inspected 161,094 sides of sole leather, of the average weight, value and quality as follows;

140,534 sides, bearing either good or best stamp,	
averaging 14 lbs. the average value 16	
cts. amount of weight, 1,967,476, value	\$314,796 16
20,560 sides, bearing either damaged or bad stamp,	
averaging 13 lbs. the average value 11	
cts. amount of weight, 267,280, value,...	29,400 80
<hr/> 161,094 sides.	<hr/> Value, \$344,196 96

The whole amount of weight, 2,234,756 pounds.

Amount of fees for inspecting 161,094 sides at 2 cents, \$3,221 88

Amount of cash paid for labor, 789 23

Being deducted, leaves the amount of \$2,432 65

All which is respectfully submitted.

ISAAC SHERWOOD.

New-York, 1st mo. 15th, 1834.

[Assem. No. 141.]

1

IN ASSEMBLY,
January 29, 1834.

ANNUAL REPORT

**Of Jacob Shumway, Inspector of Beef and Pork in
the city of New-York.**

To the Honorable the Legislature of the State of New-York.

Return of provision inspected by Jacob Shumway, from first
January, to thirty-first December, 1833, inclusive, viz:

	775	barrels	mess	pork.
1,961	"		prime	pork.
9	"		cargo	pork.
614	"		not	branded.
62	"		mess	beef.
151	"		prime	beef.
25	"		half	barrels pork not branded.

The whole valued at thirty-eight thousand three hundred and
fifty-six dollars and fifty-cents.

Inspection fees, eight hundred and ninety-eight dollars.

JACOB SHUMWAY,

Inspector of Beef and Pork.

New-York, 21st January, 1834.

IN ASSEMBLY,
February 8, 1834.

REPORT

Of W. M. Oliver, Esquire, clerk of the supreme court, in obedience to a resolution of the Assembly of the 30th of January last.

SUPREME COURT CLERK'S OFFICE, }
Geneva, 6th February, 1834. }

Hon. WILLIAM BAKER,
Speaker of the House of Assembly.

SIR—

I have the honor to send herewith a report and statement of business done at this office, in obedience to the resolution of the Assembly of the 30th of January last.

I deem it my duty to say to you, that some days ago I enclosed my resignation as clerk, to the justices of the supreme court; but not knowing whether it is accepted, or a successor appointed, I have regarded it my duty to make the report requested by the above mentioned resolution. In making this report I have called to my aid the deputy and other clerks in the office.

I am Sir, very respectfully,
Your obedient servant,

W. M. OLIVER.

To the honorable the Assembly.

The clerk of the supreme court at Geneva, in obedience to a resolution of the Assembly, of the 30th ult., requesting him to inform the House "what proportion of the business which is transacted at said office proceeds from the counties of Chautauque, Erie, Genesee, Niagara, Ontario, Tompkins, Tioga, Cayuga, Monroe, Orleans, Steuben, Allegany, Wayne, Livingston, Cattaraugus, Yates, Seneca, Cortland and Onondaga, respectively, as nearly as the same can be ascertained,"

RESPECTFULLY REPORTS:

That he has made an examination of the business transacted at said office, and finds upon such examination, that the business proceeds from the first seventeen counties named in said said resolution in the following proportions, to wit:

From the county of Monroe *four seventeenth* parts of the said business proceed.

From the county of Erie *two* and *one half* parts of the said business proceed.

From the county of Genesee *one* and *one half* parts of the said business proceed.

From the county of Niagara *one* and *one half* parts of the said business proceed.

From the county of Livingston *one* part of the said business proceed.

From the counties of Allegany and Orleans *one* part of the said business proceed.

From the counties of Chautauque and Cattaraugus *one half* part of the said business proceed.

From the county of Ontario *one* and *one half* parts of the said business proceed.

From the counties of Tioga, Steuben and Yates *two* parts of the said business proceed.

From the counties of Tompkins, Wayne, Seneca and Cayuga *two* and *one half* parts of the said business proceed.

From the foregoing statement it will appear that *eleven seventeenth* parts of the said business proceed from the eighth Senatorial district; that the remaining *six seventeenth* parts proceed from the counties of Tompkins, Tioga and Steuben, in the sixth district, and

from the counties of Ontario, Yates, Seneca, Wayne, and Cayuga, in the seventh district; and that the business from Cortland and Onondaga counties, and the eastern jury district of Tioga county is merely nominal at said office.

All of which is respectfully submitted.

W. M. OLIVER, *Clerk,*

*Supreme Court Clerk's Office, }
Geneva, February 5, 1834. }*

IN ASSEMBLY,
February 10, 1834.

REPORT

Of the committee on claims, on the petition of George Kinsella.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of George Kinsella, for a re-appraisal of his damages occasioned by the construction of the Erie canal,

REPORTED:

That it appears, by the petition, that the petitioner was the owner in fee, of a lot of land, in the city of Schenectady, at the corner of a street, then called College but now Canal-street, and Liberty-street: that the Erie canal has cut the lot diagonally, occupying the greater part of it, leaving two triangular pieces of land, one of them on Canal-street, and the other entirely cut off from any street, the canal being on one side thereof, and the land of other individuals on the other two sides, so that the petitioner had no access thereto without trespassing upon others: that the lot of the petitioner was taken for the canal, when it was first made through the city of Schenectady, as the petitioner believes in 1822, and became of no value to him, to use himself or lease to others: that before and at the time the lot was taken for the canal, it had been valued, by the petitioner, at fifteen hundred dollars: that after the said lot was so taken for the canal, the petitioner, by himself and his agent, frequently applied to the Canal Commissioners to assess his damages, and pay him the value of the said lot, neither of which was for a long time done: that a short time before the passage of the act, entitled "An act concerning the Erie and Champlain canals," passed April 20th, 1825, he was informed that the said Canal Commissioners, or some of them, had appraised his da-

[Assem. No. 144.]

gages for said lot, at two hundred and fifty dollars, at which appraisal he was not present, nor had he any knowledge of the same: that when he heard of this inadequate appraisal he was unwilling to receive the same, and did not then receive it: that he consulted counsel as to the mode of redress, and was advised that a law was before the Legislature, which would probably pass, under which he could obtain relief for the damages he had sustained: that receiving this advice, he delayed doing any thing further, until after the appointment of the appraisers under the act of 1825: that shortly after they came to Schenectady, when the agent of the petitioner presented to them the claim of the petitioner for damages done to his said lot; and as he is informed, the appraisers promised to take the case into consideration; but in 1826, about the month of June, the appraisers came again to the city of Schenectady, and informed the agent of the petitioner that they had decided, that in all cases in which the Canal Commissioners had made an appraisal of damages, they had no power to act, until the former appraisal was set aside by the supreme court. He further states that at the August term of that court, 1826, he made an application, and the appraisal of the Canal Commissioners was set aside: that immediately after the decision of the supreme court, he again applied to the canal appraisers, for a re-assessment of his damages: that he received a letter, dated the 24th day of August, in answer to his own of the 10th of the same month, inquiring at what time they would attend to his case; Mr. Selden wrote to him in answer that they could not attend to it until the January following, as all the Canal Commissioners must be present where an appraisal had been set aside by the supreme court.

The petitioner further states, that the second appraisal did not take place until after the month of January, 1827: that he was afterwards informed that the appraisers had been to Schenectady, and had appraised his damages at the same amount that the Commissioners had done before: that neither himself nor his agent had any notice whatever of such appraisal: that not having had any opportunity of introducing any additional proof before the board of appraisers, he was advised that an appeal to the Canal Board would be useless, because they would have nothing before them but the naked opinion of the appraisers; he therefore concluded to receive the money and make an application to the Legislature for relief: that he made an application in 1831, and again in 1832, both of which were unsuccessful. He further states that he sold the

two remnants of his lot at public vendue, one for one hundred and the other for one hundred and forty dollars, which he alleges and proves was all they were worth. The petitioner also produces the affidavits and certificates of respectable men in the city of Schenectady that the lot, without the canal, was worth from one thousand to fifteen hundred dollars.

Your committee deem it impolitic, as a general rule, to open the assessments of the canal appraisers, because, in the judgment of other persons, they may not be sufficiently high; but when the appraisal, as in this case, was altogether *ex parte*, without giving the claimant any opportunity of appearing before the board, who were to pass upon his rights, and there to support his case by proof, and by urging such considerations as he supposes ought to enhance his damages, especially when so high and respectable a tribunal as the supreme court have set aside the judgment of a previous board. In such a case your committee are of opinion, if the petitioner make out a strong equitable case for relief, the assessment should not be conclusive; and that justice requires that the claimant should have a fair opportunity for a full, free and fair investigation of his rights. It certainly never has been, and we trust never will be the policy of this State, to seize upon private property, and impoverish and ruin its citizens for the purpose of constructing these great works of internal improvement. The inviolability of private right enters into and composes one of the very first elements of our government, and it is certainly important that this principle should be preserved in its purity; it is indeed the very line between liberty and despotism. That government is the most free that best guarantees the rights of the citizen.

Your committee can not perceive any gross negligence or delay, on the part of the petitioner, that should deny him the right of having a re-assessment of his damages; and have instructed their chairman to ask leave to bring in a bill for his relief.

IN ASSEMBLY,

January 28, 1834.

ANNUAL REPORT

**Of John P. Haff and Benjamin Cooper, two of the
Inspectors of Leather in the city of New-York.**

To the Honorable the Legislature of the State of New-York.

In compliance with the Revised Statutes, passed December the third, 1827, chapter the 17th, title the second, article the 12th, section 185th, we, the undersigned, two of the inspectors of sole leather for the city and county of New-York, ask leave to report the number of sides of sole leather by them inspected, from the 1st day of January, 1833, to the 31st day of December, 1833, and as nearly as may be, the value of the same, together with the fees and emoluments arising from said office.

208,200 sides inspected, of which were stamped good and best, 145,740, averaging in weight 15 pounds the side, 2,186,100 pounds, averaging in price 16 cents the pound, making.....	\$349,776 00
62,460 sides stamped damaged and bad, averaging in weight 15 pounds the side, 936,900 pounds, averaging 12 cents the pound, making.....	112,428 00
Total value of best, good, damaged and bad,	<u>\$462,204 00</u>

The amount of fees for inspecting 208,200 sides, at 2 cents per side,	\$4,164 00
From this amount we have paid for the hire of labor- ers,	631 42
Which leaves a balance of.....	<u>\$3,532 58</u>

This balance divided between us two will leave the
amount of fees for each,..... \$1,766 29

The above is respectfully submitted.

JOHN P. HAFF,
BENJAMIN COOPER.

New-York, January 23d. 1834.

IN ASSEMBLY,

February 10, 1834.

REPORT

Of the select committee, on the petition of Simeon Crane and others.

Mr. A. J. Parker, from the select committee to whom was referred the petition of Simeon Crane, Ornan Crane and Joel Crane, praying for a loan from the State, of two thousand dollars on mortgage security, to enable them to prosecute more successfully the discovery and manufacture of salt,

REPORTED:

That the petitioners, who reside in the town of Delhi, in the county of Delaware, represent, in their petition, that they are the owners and occupants of lot No. 17, in William Fisher's front division of the Franklin patent: that about five years ago they discovered indications of salt on said lot, after which they employed persons experienced in boring for salt water at Salina and other places: that having penetrated to the depth of 146 feet, of which the lowermost 84 feet was soft red rock, salt water of an inferior quality of strength was discovered; and that, on boring through another stratum of similar rock, a depth of 78 feet, a fountain of salt water of great clearness, and of a degree of saltiness five times greater than the other, was discovered, which fountain now rises to within nine feet of the surface of the ground, at the orifice of the well, being about twenty feet above the level of the place where indications of salt were first discovered on said lot: that said petitioners have prosecuted their experiment so far as to have produced several barrels of salt, of an excellent quality; but being apprehensive that the water yet discovered is not strong enough to warrant the erection of works for the manufacture of salt, they

[Assem. No. 146.]

have bored into the third stratum of rock, to the depth of sixty-one feet, without having, as yet, reached another fountain.

The petitioners further state that, in prosecuting their discoveries thus far, they have expended the sum of two thousand dollars, being the whole extent of their resources, excepting the lot of land before mentioned; and that, judging from the indications before mentioned, they are sanguine in the belief, that, on boring through the last mentioned stratum of rock, salt water of a superior quality may be obtained; but that they must, of necessity, desist from further operations, unless they can obtain assistance to enable them to prosecute their discoveries.

They therefore pray that the sum of two thousand dollars may be loaned to them for that purpose, by the State; and that a mortgage on the said lot of land be taken by the State, as security for the payment of the principal and interest of such loan; and they ask for such other relief as the Legislature may deem proper to grant.

It is further represented to your committee that the said lot of land contains about 220 acres, and that there are on said lot two dwelling houses, a good barn, two hundred young apple trees and a thrifty grove of pine timber, sufficient for the manufacture of two hundred thousand feet of boards, distant about two miles from the Delaware river, where lumber is rafted for the purpose of being run to the Philadelphia market. The land is estimated to be worth about \$2,000; and should the experiment in boring for salt water prove successful, its value would be greatly increased.

Upwards of ninety individuals, who are known to some of your committee to be citizens of the first respectability in the county of Delaware, have united in the prayer of the petitioners.

If the subject referred to your committee concerned only the interests of the owners of said lot, they would not recommend any legislative interference, as in the event of the failure of the experiment, the security might prove inadequate. But your committee consider that a large portion of the State is interested in the success of the enterprise.

The spring in question is situated about four miles northeast from Delhi, the county seat of Delaware county, and is nearly 70 miles distant from the Hudson river, and over 100 miles from the

Onondaga salt works. Nearly all the salt consumed in the county is brought from some point at the Hudson river, and the inhabitants of a large section of country are subjected to the expense and trouble incident to land transportation.

Your committee find that a similar application was made by the petitioners, at the last session of the Legislature, and a favorable report made thereon, near the close of the session, by a select committee, to whom it was referred, (vide Assembly Doc. of 1833, No. 276.) Your committee concur in the opinions expressed in that report, and adopt the following extract, as expressive of their own views:

“It may not be improper to remark that the county of Delaware, from its situation, has never participated in the advantages of the various internal improvements which it has been the wise policy of the government to construct, and which have dispensed their benefits so bountifully to other portions of the State. On the contrary its burthens have been increased by the construction of those works. The taxes upon one of the necessities of life have been increased by an imposition of an increase of duties upon its manufacture, and by a diversion of those duties from the general purposes of the government to the more immediate benefit of more favored parts of the State.”

From all the facts submitted to the consideration of your committee, they believe there is a fair prospect that the undertaking of the petitioners will prove successful, if legislative aid is afforded them; and they have concluded to recommend the granting of the loan, under certain restrictions; and they have therefore instructed their chairman to ask leave to introduce a bill for that purpose.

All which is respectfully submitted.

IN ASSEMBLY,
February 10, 1834.

REPORT

Of the select committee, on the petition of the trustees of the Presbyterian church and congregation, in the town of Poundridge, Westchester county.

Mr. Lockwood, from the select committee on the petition of the trustees of the Presbyterian church and congregation, in the town of Poundridge, county of Westchester, for a law authorising them to sell real estate,

REPORTED:

The petitioners set forth, in said petition, that the Presbyterian church and congregation own a small farm of land, with a dwelling house thereon, at a distance of one mile from the church, in the town of Poundridge, county of Westchester; that, from the situation of said premises, in regard to the distance of the same from the meeting-house, is very inconvenient for a clergyman as a residence; and that the said society are united in said petition.

Your committee, who are personally acquainted with the petitioners and the object of their petition, and the situation of the said parsonage, which is very much out of repair, are satisfied that it would be very advantageous to the said congregation to be enabled to avail themselves of the present opportunity to sell the same; and that delay would be the cause of loss to them.

Your committee are of opinion that the prayer of the petitioners ought to be granted; and leave is asked to introduce a bill.

IN ASSEMBLY,
February 11, 1834.

REPORT

**Of the committee on the judiciary, relative to the
taxation of debts owing to the School Fund of the
State of Connecticut.**

Mr. Haight, from the committee on the judiciary, to which was referred the opinion of the Attorney-General, in relation to the construction of the act entitled "An act to subject certain debts owing to non-residents to taxation,"

REPORTED:

That they concur in the opinion of the Attorney-General, and recommend, that to prevent an useless and expensive litigation in which public officers are concerned, a declaratory law should be passed. The committee respectfully suggest, that inasmuch as the public officers in several of the western counties have given a different construction to this act than that adopted by the Attorney-General, and are now progressing in the collection of taxes, imposed on debts due to the Connecticut School fund, a speedy decision of the question becomes the duty of the Legislature.

IN ASSEMBLY,

January 30, 1834.

ANNUAL REPORT

**Of Jason Rudes, an Inspector of Pot and Pearl
Ashes for the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The undersigned, inspector of pot and pearl ashes in the city of Albany,

REPORTS:

That from the first day of January, 1833, to the first day of January, 1834, he has inspected as follows, to wit:

824 barrels of pot ashes.
19 " pearl ashes.

Weight, 245,118 pounds first sort.
45,673 " second sort.
6,134 " third sort.
10,462 " condemned.
7,684 " pearl ashes.

Fees received for inspecting during the same time, have been three hundred and fifteen dollars and seven cents.

Respectfully submitted,
JASON RUDES.

January 29th, 1834.

**IN ASSEMBLY,
January 31, 1834.**

ANNUAL REPORT

**Of Eldridge Havens, an Inspector of Beef and Pork
for the county of Wayne.**

To the Honorable the Legislature of the State of New-York.

In compliance with the statute, regulating trade in certain cases, I, the undersigned, an inspector of beef and pork for the county of Wayne, do make the following report, viz:

That I have inspected two hundred and six barrels of mess, and three hundred and sixty-eight barrels of prime pork, during the year ending the first of January past, and that the amount of fees for the same, is \$143.50.

ELDRIDGE HAVENS.

IN ASSEMBLY,

January 31, 1834.

ANNUAL REPORT

**Of George Charles, an Inspector of Sole Leather
in the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The amount of sole leather inspected by George Charles, in one year, commencing first January, 1833, and ending first January, 1834.

18,986 sides sole leather, at 4 cents per side,..	\$759 44
Deduct paid labor,	94 93
	<hr/>
	\$664 51
	<hr/>

GEORGE CHARLES.

Albany, 1st January, 1834.

IN ASSEMBLY,
January 30, 1834.

ANNUAL REPORT

**Of G. R. Van Derlip, an Inspector of Lumber for
the city of Albany.**

To the Honorable the Legislature of the State of New-York,

George R. Van Derlip, one of the inspectors of lumber, for the city and county of Albany, respectfully reports, the undersigned to be the quantity of lumber measured and inspected for the year one thousand eight hundred and thirty-three.

<i>Feet.</i>			
321,043	pine boards,	at \$26 per M.	\$8,347 11
1,203,261	"	11 "	13,235 87
680,776	whitewood boards,	14 "	9,530 86
279,960	ash boards,	15 "	4,199 40
142,508	maple, inch,	14 "	1,995 11
239,651	cherry, inch,	23 "	15,511 97
30,983	chair plank,	35 "	1,084 40
66,605	"	22 "	1,485 31
26,247	oak boards,	24 "	629 92
55,727	columns, inch measure,...	18 "	1,003 08
606	oak timber, at per hundred,	12	72 72
47,522	beam timber, superficial,..	10	475 22
<hr/> 3,094,889 total feet.			<hr/> Total, \$57,550 97. <hr/>

Fees, \$996 20

Albany, January 29th, 1834.

[Assem. No. 152.]

IN ASSEMBLY,
January 30, 1834.

ANNUAL REPORT

**Of Horace Turner, an Inspector of Beef and Pork
in the town of Lansingburgh, county of Rensse-
laer.**

To the Honorable the Legislature of the State of New-York.

I, Horace Turner, inspector of beef and pork, resident in the town of Lansingburgh, in the county of Rensselaer, do certify and report, that since my last return, I have inspected in the whole, of

Beef 4,708 barrels and 494 half barrels.

2,211 barrels of mess beef,.....	valued at	\$8 25
2,597 " prime beef,.....	"	5 25
494 half barrels of mess beef, ...	"	4 75

Pork 875 barrels.

125 barrels of extra mess pork, valued at	\$17 50
305 " mess pork,.....	" 14 00
450 " prime pork,....	" 10 00

5,583 barrels at 10 cents,	\$558 30
494 half barrels 5 cents,	24 70

\$583 00

H. TURNER.

IN ASSEMBLY,
January 30, 1834.

ANNUAL REPORT

**Of B. Van Benthuisen, an Inspector of Sole Leather
for the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The undersigned, one of the inspectors of sole leather in the city of Albany,

REPORTS:

That from the 16th day of February, 1833, the day he entered upon the duties of office, to the 1st day of January, 1834, he has inspected twenty thousand two hundred and sixty-four sides of sole leather.

Fees received,.....	\$810 58
Expenses for labor, &c.	202 64
	<hr/>
	\$607 92

Respectfully submitted,
B. VAN BENTHUISEN.

January 29, 1834.

IN ASSEMBLY,

January 30, 1834.

ANNUAL REPORT

**Of an Inspector of Beef and Pork in the city of
New-York.**

To the Honorable the Legislature of the State of New-York:

In conformity with the provisions of the law, regulating the inspection and repacking of beef and pork, I hereby report, that the quantity, qualities and value of the beef and pork inspected and repacked by me, from the first day of January, 1833, to the first day of January, 1834, are as follows, viz:

7,067	barrels mess pork,.....	value \$14 50 per barrel.
7,679	" prime pork,	10 50 "
23	" cargo pork,	9 00 "
359	" thin side pork,..	13 50 "
405	" flanks and rumps,	12 00 "
2,053	" soft, rusty, &c..	9 80 "

17,586

297	barrels mess beef,	value \$9 00 per barrel.
589	" prime beef,	6 50 "
18	" cargo beef,	4 50 "
6	" refuse beef,	2 50 "

910

17,586

18,496 barrels.

40 half barrels mess beef, value \$5 00 pr half barrel.

Inspection fees,..... 15 cents per barrel.

Cooperage, 10

[Assem. No. 155.] 1

IN ASSEMBLY,
February 8, 1834.

REPORT

**Of the Attorney-General, on the petition of Ephraim
Bogardus.**

STATE OF NEW-YORK, }
ATTORNEY-GENERAL'S OFFICE. }

To the Speaker of the Assembly.

SIR—

I submit herewith a report, on the petition of Ephraim Bogardus, referred to me by the Assembly.

Very respectfully,
Your obedient servant,

GREENE C. BRONSON.

Albany, February 8, 1834.

REPORT, &c.

The Attorney-General, to whom was referred, by the Assembly, the petition of Ephraim Bogardus, respectfully submits the following

REPORT:

The petitioner asks the Legislature to indemnify him against the costs and expenses which he has incurred, in defending two ejectment suits, brought against him for the recovery of a part of lot number thirteen, in the township of Lysander, which lot he had contracted to purchase of the people of this State. He also prays that a certain bond, executed by him to the people, may be delivered up to be cancelled.

The facts of the case may be briefly stated as follows:

The lot in question, or some portion of it, was recovered as escheated land, in the year 1828. By an act passed in 1819, the Commissioners of the Land-Office were directed to grant escheated lands in the military tract, to a certain description of persons, on very favorable terms. Such persons as had settled, and made improvements on the land, under color of a bona fide purchase, were to have grants at the appraised value of the land in an uncultivated state, in the year 1800, with the addition of interest. Laws, 1819, chap. 244, p. 312. By the 9th section of an act passed in 1820, the occupant, in cases where the land should be recovered by default or on confession, was released from the payment of interest, as provided by the act of 1819, but was to pay the costs of the suit in which the lands had been recovered by the people. Laws, 1820, chap. 245, p. 248, sec. 9.

Samuel Stevenson applied to the Commissioners of the Land-Office for a grant of the lot, under the acts of 1819 and 1820. The lot, containing $607\frac{7}{8}$ acres, was appraised in several parcels, pursuant to the directions of those acts; and on the 21st October,

1829, an order was made by the Commissioners that letters patent for the lot be issued to Stevenson, on his paying into the treasury one-fourth part of the appraised value, the Attorney-General's costs, and the expense of surveying and appraising the land, and executing a bond and mortgage to secure the residue of the purchase money.

Stevenson wholly failed to comply with these terms, and the Commissioners of the Land-Office, as is believed, were about to advertise and sell the lot at public auction, in the usual manner. The petitioner, Ephraim Bogardus, then applied to the Commissioners, and represented that Stevenson, being himself unable to comply with the terms of the law, had transferred his claim to the petitioner, under an agreement that the petitioner should pay for the whole, and then transfer two subdivisions of the lot to Stevenson, in satisfaction of his pre-emptive right. This was on the 3d December, 1830. Bogardus was not then ready to make the first payment, and asked time to do so until the first day of June, 1831. The Commissioners thereupon resolved that they would delay the sale of the lot, on condition that Bogardus should execute a bond to the people, in the penal sum of \$2,000, conditioned that he would, on the said first day of June, make the first payment into the treasury; and also conditioned that he would take possession of the lot as the agent of the State, and protect the land from trespasses. On the 14th January, 1831, Bogardus executed a bond, in pursuance of this resolution.

The petitioner states, under oath, and the fact is believed to be as he states it, that on the 2d June, 1831, he called at the Treasurer's office to make the first payment, and that both the Treasurer and the Comptroller refused to receive the money, until an action which had been brought for the recovery of the land should be decided.

In March, 1831, an ejectment suit was commenced against Bogardus for the recovery of one-third of the lot, by certain persons who claimed under the soldier to whom the lot was originally patented, and who consequently maintained that there had been no escheat. This suit was afterwards abandoned, for the reason that it had not been commenced in proper form. Another suit was instituted by the same persons, which was subsequently tried, and judgment was recovered against Bogardus. The title of the people, as to one-third of the lot, having proved defective, on grounds

which extended with equal force to the residue, the Commissioners of the Land-Office have abandoned all expectation that the people will derive any benefit from their supposed ownership of this lot.

For the costs and expenses incurred by Bogardus, in defending those suits, he now asks an indemnity.

It is provided, (1 Rev. Stat. 164, sec. 12, 13 and 14,) that a certain class of suits shall be defended by, and at the expense of the State; but this provision only extends to suits for the recovery of lands "held under warranty from the people of this State." Bogardus gave notice of the suits to the Governor, but as they did not come within the provision already referred to, the Governor gave no directions about their defence. John McFadden, on behalf of Bogardus, also wrote a letter to the Comptroller on the subject, which was answered by the Attorney-General, on the 29th April, 1831. The following extract from the answer will show the light in which the matter was then viewed by the Commissioners of the Land-Office. "Your letter of March 16, to the Comptroller, in relation to lot 13, Lysander, (now Granby,) has been laid before the proper board. Samuel Stevenson, to whom a grant was ordered at the value in the year 1800, and Ephraim Bogardus his grantee, have a greater interest in the defence of the title than the State. It becomes them, therefore, to employ able counsel, and defend the suit which has been commenced in the district court of the United States, for the recovery of the lot. But if they choose to relinquish the right to purchase on the favorable terms already mentioned, and to surrender the possession to the State, the suit will then be defended at the expense of the State."

Bogardus then employed counsel and defended the suits, and in doing so has necessarily paid and expended a large sum of money. There is no existing law under which he can claim to have the money refunded; and whether he ought to be indemnified or not, is a question addressed to the discretion of the Legislature. The bond executed by the petitioner ought to be given up to be cancelled.

Respectfully submitted.

GREENE C. BRONSON,

Attorney-General.

Albany, February 8, 1834.

IN ASSEMBLY,
February 10, 1834.

REPORT

**Of the select committee, on the petition of Herman
Le Roy, junior.**

Mr. Anderson, from the select committee to whom was referred the petition of Herman Le Roy, junior, of the town of Pelham, in the county of Westchester, and State of New-York,

REPORTED:

That they have taken into consideration the subject matter of said petition referred to them; that the said petitioner is the owner of certain lands in the town and county aforesaid, through which flows a creek from the bay of Pelham, and the lands on either bank is owned by said petitioner; that said creek is filled at high water, but at low water the bed thereof is dry and bare; that said creek can be converted into a profitable oyster bed by means of a dam or mound, without detriment to the rights of the people of this State, or any citizen thereof; that such creek so converted into an oyster bed, will be a source of considerable profit to said petitioner, and a convenience to the public.

The committee therefore respectfully ask leave to bring in a bill to carry into effect the object of said petition.

IN ASSEMBLY,
February 11, 1834.

REPORT

Of the committee on claims, on the case of Uriah Shearer.

Mr. Ingalls, from the committee on claims, to whom was referred the claim of Uriah Shearer, for an act authorising an appraisal and payment of the value of his fishery, situated in the town of Northumberland, in the county of Saratoga, which was destroyed by the erection of the Saratoga dam,

REPORTED:

That the petitioner states, that in the year 1829, and previous thereto, he was the owner of a farm, situated in the town of Northumberland, in the county of Saratoga, on the west bank of the Hudson river, attached to which was a valuable shad fishery, which was destroyed by the erection of the Saratoga dam across the Hudson river. That in 1828, he made an application to the canal appraisers to assess the damages which he had sustained by means of the erection of the said dam. The canal appraisers then proceeded to estimate the damages agreeably to his application, and the proof had before them for the loss of his fishery, together with a piece of interval land which was included in the application; but that one or more of the appraisers advised the petitioner to withdraw his claim for the loss of his fishery, until an application of the same nature, then pending before the court of errors, was decided; and that if decided in favor of the applicant, they the appraisers would have nothing to do but to order the payment of his damages agreeably to the abundant proof of its value already before them. That upon this suggestion he did delay his application for the fishery, and the appraisers proceeded to assess

[Assem. No. 158.] 1

the damages upon his interval land, which were paid him, and a receipt given expressly excepting his damages for the loss of his fishery.

He further states, that he has never learned any thing further respecting the cause in the court of errors, to which the appraisers alluded, nor received any remuneration for the loss of his fishery.

The case is well sustained by proof, showing the annual value of the fishery to be three hundred and fifty dollars, clear of expenses. The only question therefore, is, whether this fishery is public or private property. The Hudson river is not navigable at Fort-Miller, and this place is above tide waters. It is declared by statute to be a public highway for rafting and boating, with many other streams, which otherwise would be private property. This gives to the public the mere right of passage, and no other.

The rule of law, as laid down in 4th Burrows, 2164, and recognized by our supreme court, in the case of Gould vs. James, 6 Cowan, 369, is this: In rivers not navigable, the proprietors of the land have the right of fishery on their respective sides; and it generally extends *ad flum medium aquæ*. But in navigable rivers, the proprietors of the land have it not; it is *prima facie* in the public, and if one claims it exclusively, he must show it by prescription.

Adopting this as the law, there can be no doubt but that this fishery was private property. The fact is fully established, that the fishery was entirely destroyed by the erection of the dams upon the Hudson river, for the benefit of the canals; indeed, it is self-evident to any one who has the least observation, that this would be the case; and a citizen is deprived of very considerable annual income, derived from this fishery; he now calls upon the State to make good his loss.

The committee can see no reason why the prayer of the petitioner should not be granted, and they have directed their chairman to ask leave to bring in a bill for the assessment of his damages.

IN ASSEMBLY,

February 11, 1834.

REPORT

**Of the select committee, on the petition of John A.
Seaverson, and others.**

Mr. Spafard, from the select committee, to whom was referred the petition of John A. Seaverson, and others, praying for the passage of a law authorising the said John A. Seaverson, Philip Seaverson and Richard V. V. Waldron, to erect a dam across the Susquehannah river, in the town of Conklin, in the county of Broome,

REPORTED:

That they have examined the subject, and that the following are the principal reasons for granting the petition of the said applicants. The Susquehannah river, across which it is proposed to erect the dam mentioned, is a public highway; but in the opinion of the committee, there may be a dam erected across the river at that place, so as to raise the water twenty inches, and not obstruct the navigation; that the county is well stored with valuable timber, and that it would be of great advantage to the petitioners, as well as to the inhabitants of said town generally, to enable them to convert the timber now on the land into lumber; that the construction of said dam will not, in the opinion of your committee, in the least impair the navigation of said river.

Your committee being well satisfied of the truth of the above assigned reasons, and believing no injury will result, and much benefit be derived by the erection of said dam, have come to the conclusion to ask leave to introduce a bill.

[Assem. No. 159.]

No. 160.

IN ASSEMBLY,
February 11, 1834.

REPORT

Of the select committee, on the petition of the Supervisors of the county of Broome.

Mr. Ruggles, from the select committee to whom was referred the petition of the supervisors of the county of Broome, praying for a law to extend the time for the payments upon a loan heretofore made by the State to that county,

REPORTED:

That from the petition, it appears that said county is indebted to the State in the sum of \$7,500. Of which, by the terms of the loan, the sum of \$500 was payable the first day of May last; the further sum of \$1,000 will become payable in the present month; and the further sum of \$500 on the first of May next. The said petition states, that the levying said sums at the present time would be burdensome to the people of that county. Upon this subject, the Comptroller has reported to this House, that it meets his approbation, in which opinion your committee fully concur. They have prepared a bill which they ask leave to introduce.

[Assem. No. 160.]

1

IN ASSEMBLY,

February 12, 1834.

REPORT

**Of the committee on State Prisons, on the petition
of the officers of the State Prison at Auburn.**

Mr. Staats, from the committee on State Prisons and the penitentiary system, to which was referred the memorial of the officers employed in the State Prison at Auburn, and others, praying for an increase of the salaries of all the officers of said prison, except the Agent,

REPORTED:

That they have had the memorial under consideration, and it appears from documents and other evidence, that the Legislature of this State, in the session of 1827, provided for the employment of the present number of officers of the State Prison at Auburn, and fixed the salaries of the assistant keepers the same as they now are; that at that time, there were confined there about 425 convicts; that but few branches of business were then carried on in the prison, and that the duties of the officers were comparatively few and light; that at the present time there are about 700 convicts in the prison, employed in numerous and important branches of business, to conduct which with success and order, and to maintain the proper discipline of the prison, requires peculiar and diversified capacities and qualifications in the officers; that those duties are greatly increased, and of far more importance and value to the State than they were.

Your committee deem it of the first importance to the State, that officers of tried integrity, faithful in the discharge of their duties, and familiar with all the routine of those duties, and the different dispositions and characters of the convicts, over whom they must

exercise a discretionary, and in some measure arbitrary, power, should be secured to the State, by the prospect of a compensation for their services, suitable to the services and responsibilities of their stations; and that appointments should not be accepted, as they now too frequently are, merely as temporary expedients for a livelihood, producing constant changes, alike detrimental to the discipline and interest of the prison.

Your committee would further state, that the prosperous state of the prison will warrant the conclusion that it will no longer need appropriations from the finances of the State, and that the proceeds of the prison will be sufficient to make all necessary repairs, and to raise the salary of the different officers to a sum commensurate to their stations and services; and your committee have directed their chairman to ask leave to introduce a bill providing for the same.

IN ASSEMBLY,
February 12, 1834.

REPORT

Of the committee on trade and manufactures, on the annual reports of sundry inspectors of flour, lumber, &c.

Mr. Myers, from the committee on trade and manufactures, to whom was referred the annual reports of sundry inspectors of flour, lumber, &c.

REPORTED:

That they have examined the same, and find the reports of Benjamin Heartt, Richard McCarty, Alexander Dennistoun, Ebenezer Platt, Gilbert Oakley, George Seaman, Israel Sloan, Jr., H. M. Hopkins, Philip French, Isaac P. Hand, Hiram F. Randolph, Hannibal G. Rice and Nathan Roberts, correct, as required by law. They also find the reports of Francis Peckwell, Thomas L. Ostrom, Robert Dingee, Edward S. Fuller, Dayton H. Fuller, Nathaniel Challes, Benjamin C. Capron and R. C. Theall, defective, as they do not state the value of any of the articles so inspected by them, pursuant to the requirements of chap. 15, title second, article thirteenth of part first of the Revised Statutes. Your committee therefore recommend the passage of the following resolution:

Resolved, That the annual reports of Nathaniel Challes, Benjamin C. Capron, Dayton H. Fuller, Robert Dingee, Thomas Ostrom, Francis Peckwell, R. C. Theall, and Edward S. Fuller, made to this House, be returned to the several persons making the same for correction.

IN ASSEMBLY,
January 13, 1834.

REPORT

Of the committee on ways and means, on the resolution relative to the payment of the postage on letters received by members during the session.

Mr. Wheeler, from the committee on ways and means, to whom was referred the resolution directing the Clerk to pay to the members of the House, out of the contingent fund, the amount paid by them for postage of letters and documents upon public business during the session,

REPORTED:

That they have examined the items of expense hitherto composing the annual disbursements of the contingent fund of the House, and can find no charge of payment to members for expenses incurred by them for postage. Therefore, in the opinion of your committee, it is inexpedient to burthen the contingent fund with a disbursement unusual in itself, and which, in its nature, must at times be of a mixed character, combining public and private subjects in the same sheet.

IN ASSEMBLY,

February 13, 1834.

MEMORIAL

Of the New-York Institution for the Deaf and Dumb.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened :

The memorial of the directors of the New-York Institution for the instruction of the Deaf and Dumb,

RESPECTFULLY SHOWS:

That the Institution entrusted to their care, is a creation of the State Legislature. That by the terms of its charter, it is recognized as the immediate agent of the Legislature, being required to report annually respecting the details of its management directly to that body, and being made subject to the visitation and general supervision of an officer of State.

That, since its establishment, it has been impeded in its operations by difficulties unusual to such an Institution, but which your memorialists have at length had the satisfaction to see removed.

That although laboring under embarrassments, it has aimed at a high standard of excellence; it has spared no effort to perfect the system of instruction, and it has applied all its means to the purpose of enlarging its facilities, and securing the services of able instructors.

That its success has at length been such as to answer the most sanguine expectations of its friends, and that its present character is honorable at once to the State and to the nation.

[Assem. No. 165.]

That, in point of numbers, it stands first among the Institutions of this description in the United States; that, should it continue to be fostered by the patronage of the State Legislature, it cannot fail to increase for many succeeding years; and should its resources enable it completely to fulfil the object of its erection, namely, that of meeting the wants of all the deaf and dumb within our own limits, it must, in this particular, be ultimately inferior to none in the world, and may, perhaps, outnumber every other.

That its reputation has already attracted pupils from very remote points—from the southern States, and from Canada; and that it will unquestionably bring in a greater number, as it shall become more extended, and the wants of the country more pressing.

That, in the selection of teachers, the Institution has made it a rule never to be content with any inferiority of intellect, nor with any deficiency of mental cultivation; but with a view, as well to fill with honor the prominent position, which circumstances seem to mark out for it, as to accomplish effectually the immediate end of its existence, it has invariably chosen men of education and talent, until it has reason to be proud of the intellectual character, which such a course has enabled it to secure.

That it has originated, or advanced to perfection, important improvements in the processes of instruction, and that the attention of its teachers being constantly directed to this point, is likely to bring to light others; a circumstance, which, considering the talent employed in Europe upon the education of the deaf and dumb, is of no minor importance. Our country has yet contributed nothing to the general advancement of the art. In this respect, it is behind what is due to its character in the eyes of the world. It becomes America, in every work of benevolence, to be before the spirit of the age; to give direction and tone to that spirit; to lead, rather than to follow. There exists no citizen of the United States, to whom it does not afford gratification to find his country foremost in the prosecution of any honorable enterprise, but of those labors especially, which have their motive in the hearts of men. There exists not one, who would not be proud to feel, that even in the education of the deaf and dumb, America honorably sustains her reputation in the estimation of mankind. Considerations of this nature have been of weight with your memorialists, in the adoption of

those measures which have given to the New-York Institution its present character. They have felt that they were acting for the country, as well as for the State and for the Institution. They have considered themselves, in a measure, the guardians, not merely of the interests of a fraction of our population, but, in one point of view, of our national character abroad.

Your memorialists have further to represent to your honorable body, that, with the close of the year 1833, a certain material proportion of the income on which the Institution has been dependant, is, by an act of the Legislature, passed at its last session, withdrawn. The moneys derived from the sale of lottery licenses in the city of New-York, have hitherto been divided between the Institution, and the trustees of public schools. Although this source of income has not been as productive as was anticipated, owing to violations of the law, in numerous instances, still it has been available to an amount, varying between 3,000 and 6,000 dollars annually; and has been sufficient, if not to extend the usefulness of the Institution, as far as might have been desirable, at least, to keep it in a state of successful operation and progressive improvement.

The effect, however, of the act just alluded to, destroying lotteries, and prohibiting the sale of foreign tickets within the State, an act, in the passage of which your memorialists sincerely rejoice, has been to reduce the pecuniary resources of the Institution to such a degree, as to forbid the hope, that, without some equivalent means of support, it can be sustained in its present flourishing condition. The reduction has taken place at a time when an increase rather than a diminution of means was desirable. At the commencement of the present term of instruction, the absolute number of pupils is greater than at any former period by nearly fifty: forty of whom enter in conformity with the law of the Legislature, passed at its last session, increasing the number of pupils supported at the expense of the State; and the remainder being supported on the same terms by their friends. The books of the Institution sufficiently show, that these terms are really less than the actual annual expense of each pupil to the board of directors. Your memorialists have deemed it proper that the terms of maintenance and tuition should be thus low, in order that many parents, in circumstances too easy to constitute an admissible claim to the bounty of the State, and, at the same time, too narrow to justify a large expenditure for the education of

a single child, might be enabled to avail themselves of the advantages which the Institution affords.

It will be perceived, therefore, that with a small number of pupils, the deficiency of the income arising from tuition is less than with a greater. Accordingly, it would actually be for the pecuniary interest of the Institution, to decline receiving any pupils from places beyond the limits of the State. But with your memorialists, such a consideration is deemed unworthy of being weighed. The fact that pupils come to us from abroad, and that they come to us, rather than to institutions more immediately in their vicinity, and more conveniently accessible, is a disinterested testimony of the respect in which we are held; and is honorable alike to the Institution and to the State. But further, while there exist six thousand deaf mutes in our country, while this number is constantly increasing, while, according to strict computation, there should be at this moment, and henceforth, one thousand constantly under instruction in the United States; while not four hundred and fifty of these are actually enjoying the advantages which ought to be extended to the whole; and while the remainder are growing up in melancholy ignorance, your memorialists would feel themselves hardly in the line of their duty, were they to reject any application, from whatever quarter.

It is evident, then, that an increase of numbers is by no means accompanied with an increase of means. On the contrary, the more numerous the school becomes, the more pressing becomes also the necessity of finding some auxiliary source of income, to meet the additional expenditure, to which your memorialists are subjected, beyond the actual amount of direct receipts. With the commencement, therefore, of the present term, a curtailment of the resources of the Institution is attended with a two-fold inconvenience: the one arising from the fact that its income was not previously greater than its wants; the other, from the circumstance of its necessarily increased expenditure.

Your memorialists have still further to represent, that, the treasurer's reports for the last few years, if assumed as the basis of calculation for the future, may lead, in some respects, to illusive results. Since 1830, there has been an entire reorganization of the department of instruction. All the teachers employed since that time, are men just commencing seriously the business of life. They have entered upon their labors with the zeal and enthusi-

asm, which characterizes, generally, the pursuit of a new and pleasing occupation. They have devoted more time and attention to the theory of their art, and have prosecuted inquiries in books more extensively, than any body of instructors, equal in number, have before simultaneously done in this country. Their acquaintance with the philosophy of the subject renders them competent, in the view of your memorialists, to effect more in little time, than inexperienced men can possibly accomplish in much. As a means of securing the great object, which your memorialists have at heart, nothing seems more desirable than to retain in their present situations, men, whose feelings are so strongly enlisted in the cause, and whose minds are so well informed on the subject of their employment, as those of the teachers now engaged in the New-York Institution. These gentlemen have been retained upon small salaries, in the hope that a speedy provision might be made to render their compensation sufficient to warrant them in making the employment their permanent occupation. It must be obvious, without argument, that unless the Institution can hold out to them inducements to remain, equal to those, which other occupations offer, to draw them away, it cannot be secure of the permanence of their services. In estimating what these inducements should be, we must remember, that it is not for a year, nor for two years, that we desire these gentlemen to engage, but for life. It is, indeed, practicable to obtain, at a low rate, the services even of educated men, for a brief period, and before their plans for life are formed. But to pursue this course, to be continually changing from year to year, would be absolutely ruinous to the character of the Institution.—The art of teaching the deaf and dumb is a difficult attainment. It is not, as many suppose, merely mechanical. And, if it were, it would still require time for its acquisition. But it involves mental labor to no trifling extent. It is, in fact, an art, which, like the power of execution upon certain musical instruments, is capable of infinite perfectibility, but knows nothing like absolute perfection. Should your memorialists choose, for the sake of diminishing their annual expenditure by a few hundred dollars, to dispense with the services of their teachers, as fast as they educate them to their employment, the character of the Institution, as an establishment for the education of the deaf and dumb, would be worthless; it would fail to command respect at home, and it would do no honor to the country abroad. It is, therefore, positively certain, that the New-York Institution, should it purpose to maintain its present

character, must make the salaries of its teachers an adequate compensation for their permanent services. If any additional argument were necessary on this subject, it might be found in the usage of other similar establishments, both abroad and at home. The American Asylum, has, undoubtedly, owed its success to the permanence of its teachers; and, nothing could sustain the Royal Institution of Paris at the head of the art, were it to pursue a temporizing policy, like that which your memorialists desire to avoid.

If we look over the history of deaf mute instruction, we shall see that success and eminence have been always the result of permanent effort. In fact, how can we hope in an art so difficult, for any result, but absolute failure, from the constant substitution of unqualified men, in place of those, who have just acquired a knowledge of what and of how much is to be done.

Your memorialists have made it a prominent object, in engaging teachers, to obtain men of education and talent. This, undoubtedly, is important. But after all, permanence is the condition, which, with proper exertion on the part of the individual employed, is most certain to ensure success, and therefore most desirable. It is impossible to attach to this circumstance, too much consequence. For no superiority of intellect is of any avail, until an acquaintance with the medium of intercourse between teacher and pupil, and a practical knowledge of the most striking modes of establishing new ideas in the mind of the latter, have given it room for action. The two conditions, therefore, essential, in the view of your memorialists, to the success of a teacher in this department of education, are, first, talent and mental cultivation, and secondly, permanence. The patient study of the art, must, of course, succeed these; but these are fundamental. These are conditions always taken into consideration in public institutions abroad, and these are the principles by which your memorialists desire to be guided.

Your memorialists have further to represent, that an improvement in the system of instruction, adopted immediately previous to the presentation of their fourteenth annual report, consisting, in brief, of the adaptation of the method of instruction by lectures, to the circumstances of the deaf and dumb, has necessarily led to some additional expenditure. The utility of the improvement, however, and the curiosity and interest which it has awakened among the pupils, to become acquainted with the arcana of sci-

ence, has been such as more than to justify any appropriation, which has yet been made to this object. Still, the apparatus of the Institution is incomplete, and, in some departments, needs yet to be wholly supplied. It was not to be expected that, in the beginning, and in the case of a mere experiment, any lavish expenditure would be made. But since experiment has fully corroborated the theoretic views expressed by the Board in their last annual report, some additional expense is, of course, to be anticipated in carrying fully out the project there set forth.

Your memorialists have further to represent, that the necessity of printing books for use in elementary instruction, as well as in the advanced classes, has become imperious. Year after year has elapsed without producing what, it might be presumed, would have been the first creation in such a labor as that of teaching the deaf and dumb. There has been, as your memorialists are willing to acknowledge, delay on this subject, beyond what the necessity of the case might seem to authorize. But this delay has arisen strictly from the diffidence of teachers to commit to press any thing which could not exhibit the testimony of experience in its favor. This feeling has gone by. The wants of the classes are so obvious, that a disposition exists to do something, and that speedily, to supply them. The expense of printing-books must, of course, be borne by the directors of the Institution. The same may be said of a system of well arranged designs, which, constituting as they do, an important auxiliary in the education of the deaf and dumb, ought, long since, to have been created. In coming years, such a system will unquestionably be published, but, whether sooner or later, must depend upon the resources of the Institution.

Your memorialists would further represent, that they are solicitous to introduce into their system of instruction articulate speech, and the labial alphabet. There are, among the pupils of the New-York Institution, a number, who are capable of acquiring the use of these instruments of communication, with great facility, being already possessed of the power of utterance, and acquainted, to a considerable extent, with articulate language. But to the introduction of this improvement, the employment of another teacher seems to be absolutely necessary, and, with the present means of the Institution, such an addition is hardly possible. By those who observe the march of improvement in Europe, the importance of

introducing this additional branch of the art of instruction will be appreciated. It is certainly little to the credit of our country that we have yet done nothing, even toward experimenting upon its practicability. The results at which other institutions have arrived, prove it, however, not only a practicable method, but one, in many cases to be preferred to that which makes the deaf of necessity also mute.

Your memorialists have one further consideration to present. The increase of pupils which has recently taken place, renders it evident, that no very great period must elapse, before it will be necessary to prepare some new accommodations for the pupils, whom they are likely to receive. So numerous are the deaf mutes within the limits of our State, that the building at present occupied, must, of necessity soon be found too small to contain the number under instruction. The expense of building, when the necessity shall arrive, and this may be before the presentation of another report, will be a burthen, which your memorialists are unable to bear.

Your memorialists represent, therefore, in brief, that they have brought the New-York Institution to a highly flourishing condition; that it has become the largest establishment of the kind in the United States; that its character, both at home and abroad, is high; that it seems, in its peculiar province, to stand as the representative of the country; that it has originated and continues to suggest improvements in the art of instructing the deaf and dumb; that its teachers are men of education and talent; that it is anxious to retain them permanently in their present employment; but that, by the law of the last session, heretofore mentioned, its income is materially diminished; while its absolute expenditure, above all direct receipts, is increased with the increase of its numbers; and, while it is desirable to carry forward various improvements, which require funds to effect them; and also to provide for the necessity of building, at no distant day.

Having presented these considerations, your memorialists have only further to say, that, in their belief, the Institution will undoubtedly be sustained; it will continue to exist, even, if abandoned to private charity; but that, for its character and extensive usefulness, it is wholly dependent upon the Legislature of the State. Should that body continue to regard it as an establishment, which to sustain is a matter of pride, as well as of benevolence;

should they desire, by a single act in this respect, to assume, in the eyes of the world, the first, the commanding position, in America; the opportunity is now presented. But, should other considerations predominate, and should the Legislature neglect to lend their timely aid to this, an establishment of their own creation, then they will have suffered an institution to perish in its prosperity, which they have protected through difficulty and trial; they will destroy, in the vigor of manhood, the child, which they have cherished in the weakness of infancy; they will neglect the harvest, when they have watched the seed-time with the most anxious solicitude.

The prayer of your memorialists, therefore, is, that in consideration of the loss accruing to them from the act of the Legislature abolishing lotteries, and of the necessities, which they have set forth in this memorial, your honorable body would see fit to make to them an annual appropriation from the treasury, to the amount of five thousand dollars, for the purposes specified in their act of incorporation.

And so, as in duty bound, your memorialists will ever pray.

By order of the Board,

JAMES MILNOR, *President.*

H. P. PEET, *Secretary.*

New-York, Jan. 22, 1834.

IN ASSEMBLY,
January 31, 1834.

ANNUAL REPORT

**Of Epaphras Warren, an Inspector of Beef and Pork
in the county of Tompkins.**

To the Honorable the Legislature of the State of New-York.

I, Epaphras Warren, inspector of beef and pork for the county of Tompkins, residing in the village of Ithaca, do report, that during the year ending on the first day of January, I have inspected eighty-nine barrels of mess pork, two hundred and twenty-three barrels of prime pork, and twenty-eight barrels of cargo pork; about two-thirds of the above-mentioned pork was still fattened, the other third was fattened on corn, and was of a good quality; the average value was about fifteen dollars for mess, twelve for prime, and ten for cargo per barrel.

The amount of fees received from my office during the year, was one hundred and ten dollars.

All which is respectfully submitted.

EPAPHRAS WARREN.

Ithaca, January 1st, 1834.

No. 170.

**IN ASSEMBLY,
January 31, 1834.**

ANNUAL REPORT

**Of Jacob Lockman, an Inspector of Lumber in the
city of New-York.**

To the Honorable the Legislature of the State of New-York.

Return of lumber inspected and measured by Jacob Lockman,
one of the inspectors for the city and county of New-York, in the
year 1833.

[Assem. No. 170.]

1

Return of Lumber Measured and Inspected.

	Clear.	Mercht.	Seconds	Refuse.	Meas'd.	Prices.
White pine,	14,679	40,994	2,208	36,232	86,582	From \$12 to \$30 per M.
Yellow pine,	1,427	120	" 15 25 "
Oak timber, plank and boards,	86,634	1,191	65,919	" 20 30 "
Oak knees,	inch. 518	inch. 48	" 3 to 6 shilling pr in.
Mahogany plank and boards,	3,297	
Ash oars,	8,975	2,602	From \$20 to \$30 "
Maple joist,	71,415	64,430	" 18 25 "
Maple boards,	30,113	" 15 20 "
Bass wood boards,	387,432	" 7 10 "
Whitewood boards,	115,652	" 12 18 "
Whitewood plank,	10,225	5,112	" 40 50 "
Ash plank,	51,563	" 15 30 "
Locust timber,	657	" 75 to 100 cts. pr ft.
Bilston boards,	3,512	" \$15 to \$20 per M.
Button-wood joist,	313	447	" 16 20 "
Hemlock scantling,	2,071	1,114	" 8 12 "
Hemlock boards,	8,096	" 8 12 "
Cedar boards,	35,682	8,126	" 30 40 "
Curl maple boards,	80,833	" 40 80 "
Curl maple joist,	4,210	2,842	" 40 60 "
Cherry boards,	70,943	" 25 30 "
Cherry joist,	1,485	1,658	" 20 30 "
Ash cot stuff,	97,201	58,330	" 10 12 "

Birdseye maple boards and plank,	31,255	30	60
Birdseye maple joist,	661	708	30	50
Maple veniers,	3,287	50	80
Beach plank,	1,293	30	40
Black walnut boards,	1,026	30	40
Hickory plank,	58	18	25
White holly boards,	1,662	30	50
Spruce boards,	14,246	10	18
Chestnut scantling,	6,806	3,938	15	18
	14,679	1,124,728	3,519	251,458	94,778	Total feet.	

Fees for inspecting and measuring, \$522 89
 Fees for measuring only, 23 79

\$546 68

Errors excepted.

JACOB LOCKMAN, *Inspector.*

W.

N.

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Sec.

Art.

Stat.

Gen.

P.

C.

P.

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P.

C.

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January

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IN ASSEMBLY,

February 3, 1834.

ANNUAL REPORT

Of James Radliff, Culler-General of Staves in the
city of Albany.

To the Honorable the Legislature of the State of New-York.

In compliance with an act regulating the inspection of staves, I respectfully submit to your honorable body, the following, as my report of the number, kind and quality of staves inspected in the city of Albany, from the 1st day of May, 1833, to the 31st of December, 1833, viz:

Prime pipe staves,	253,997	
Culled pipe staves,	88,552	
		342,549
Prime hogshead staves,	356,871	
Culled hogshead staves,	144,844	
		501,715
Prime barrel staves,	179,395	
Culled barrel staves,	54,341	
		233,736
Heading,	298,239	
Culled heading,	10,822	
		309,061
Total,	1,387,061	

Fees for inspection,

\$138 76

JAMES RADLIFF,

*Culler-General for the
city of Albany.*

January 30th, 1834.

[Assem. No. 171.]

1.

No. 172.

IN ASSEMBLY,
January 14, 1834.

MESSAGE

**From the Governor, transmitting the Annual Report
of the Adjutant-General.**

Albany, 14th January, 1834.

TO THE ASSEMBLY.

I herewith transmit to you the annual report of the Adjutant-General.

W. L. MARCY.

[Assem. No. 172.]

1

th 1833.

						REMARKS.
Trumpeters.		Mail-Pillions.	Valises.	Trumpets.	Bugles.	
.....	*
35	638	672	23	
28	309	333	22	†
70	608	618	37	†
.....	†
13	197	283	7	7	†
64	514	599	27	16	†
210	2266	2505	79	60	
11	184	168	10	
.....	**
.....	††
11	184	168	10	

Assem. No. 172.

[Assem. No. 173.]

ted; are 1
ear and iber, 1833.
ar 1831.
th last year RUBBELL, *Adj. Gen.*

th 1833.

						REMARKS.
Trumpeters.		Mail-Pillions.	Valises.	Trumpets.	Bugles.	
....	35	*
28		638	672	23	
		309	333	22	†
70		608	618	37	†
....		†
13		197	283	7	7	†
64		514	599	27	16	†
210		2266	2505	79	60	
11		184	168	10	
....		**
....		††
11		184	168		10	

[Assem. No. 172.]

[Assem. No. 172.]

ted, are 1
ear and iber, 1833.
1831.
th last year **TUBBELL, Adj. Gen.**

ANNUAL RETURN

Of companies of Artillery, &c., attached permanently, or for inspection, to the different brigades of Infantry, for the year 1833.

Number of companies.	COMPANY OFFICERS.										PRIVATES.		Total officers, non-commissioned officers, musicians and privates, present & absent.
	Commissioned.				Non-Commissioned.								
	Captains.	1st Lieutenants.	2d Lieutenants.	Cornets.	Sergeants		Corporals		Musicians.		Present.	Absent.	
					Present.	Absent.	Present.	Absent.	Present.	Absent.			
52	48	46	49	8	160	28	125	37	164	23	1382	960	3082

RECAPITULATION.

Horse artillery,.....	1,667
Cavalry,.....	7,080
Artillery,.....	11,669
Infantry, (including light infantry and riflemen,).....	164,979
Companies of artillery, &c., attached permanently or for inspection,	3,032
Total,.....	188,447

Adjutant-General's Office, 31st December, 1833.

LEVI HUBBELL, Adj. Gen.

IN ASSEMBLY,
February 10, 1834.

REPORT

**Of the Secretary of State, giving an abstract of the
reports of the superintendents of the poor.**

**STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }**

Albany, 10th February, 1834.

TO THE SPEAKER OF THE ASSEMBLY,

SIR—

I have the honor to transmit the Annual Report required of the Secretary of State, with an abstract of the reports of the superintendents of the poor in the several counties of the State.

I am, very respectfully,

Your ob't serv't.

JOHN A. DIX.

REPORT, &c.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, 8th February, 1834.

TO THE LEGISLATURE.

In obedience to provisions of sec. 79, title 2, chap. 20, part 1st. of the Revised Statutes, the Secretary of State has the honor to present "an abstract of the returns and reports," of the superintendents of the poor of the several counties in the State.

The tables marked A, B, C, and D, contain the required abstract, and it will appear by a reference thereto, that the reports have been regularly received from the superintendents of all the organized counties in the State, fifty-five in number. The county of Chautauque has just completed its poor-house, and the report of the superintendents is in some respects defective, from the temporary confusion arising from the change of system.

It will be seen, by referring to abstract A, that the whole number of paupers relieved or supported during the year ending at the date of the reports, was 35,777. Of these, 33,525 were county paupers, and 2,252 town paupers. The aggregate expense of relieving and supporting the whole number was \$295,239.13. During the preceding year, the whole number supported in 51 counties, was 34,094, and the aggregate expense of their support, was \$267,767.80.

By abstract B, it will appear that the sum of \$4,856.83 has been paid for the transportation of paupers; to superintendents for their services, \$11,313.96; to overseers of the poor, \$10,932.56; to justices, \$2,774.46; to the keepers and officers of the poor-houses, \$21,247.64; to physicians, for attendance and medicine, \$10,593.83; that the value of the labor of the paupers amounted to \$31,217.20; the amount saved in consequence of the labor of the

paupers, \$23,670.15; and that the average expense of supporting each pauper, at the poor-house, was \$32.21 per annum, or 61½ cents per week. During the preceding year the expense of supporting each pauper was \$32.41½ per annum, or 62½ cents per week.

Abstract C, shows that there are attached to the poor-houses 5,776½ acres of land, and that the aggregate value of all the poor-house establishments in the State, amounts to \$865,770.89; that the number of paupers received into the poor-houses during the year, was 10,494; that there were born in the poor-houses during the same period, 312; died, 1,138; bound out, 802; discharged, 6,833; and that 980 absconded. The number of females in the poor-houses, on the 1st Dec. 1833, was 2,821, and of males, 3,106—total of both sexes, 5,927. Of the number relieved during the year, 4,525 were foreigners; 602 lunatics; 219 idiots; and 48 mutes.

The table marked D, shows the number of children in the poor-houses, under 16 years of age, to be 1,982, of which number, 1,429 have been instructed an average period of nine months, under the direction of teachers at the poor-houses or at the district schools. In nine counties no instruction is reported; but there is reason to believe that the omission in some of these cases was accidental, and in almost all, the number of children is extremely small.

The following thirty-seven counties have abolished the distinction between town and county poor, viz: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauque, Clinton, Columbia, Delaware, Dutchess, Erie, Essex, Franklin, Genesee, Greene, Herkimer, Kings, Livingston, Madison, Montgomery, New-York, Niagara, Oneida, Ontario, Orange, Orleans, Otsego, Putnam, Saratoga, Seneca, St. Lawrence, Sullivan, Warren, Washington, Wayne, Westchester, and Yates.

The following counties, eighteen in number, have not abolished the distinction between town and county poor, viz: Chenango, Cortland, Jefferson, Lewis, Monroe, Onondaga, Oswego, Queens, Rensselaer, Richmond, Rockland, Schenectady, Schoharie, Steuben, Suffolk, Tioga, Tompkins, and Ulster.

All the counties in the State have erected poor-houses, with the exception of Cattaraugus, Queens, Rensselaer, Rockland, Steuben, and Suffolk.

The practical operation of the poor-house system, demonstrates satisfactorily, that it has a decided advantage on the score of economy, over every other existing mode of supporting indigent persons; and that the expense of the system, in proportion to the number of paupers supported, is regularly diminishing, as those who are engaged in its management become better acquainted with its details. In 1830, the annual expense of maintaining each pauper was \$37.03; in 1831, \$33.28; in 1832, \$32.41½; and it is now reduced to \$32.21. The inducement to adopt the poor-house system, is in each county in ratio of the number of persons to be permanently supported; for the expense of superintendence and management is not augmented in proportion to the increase of the number of paupers. Notwithstanding its superiority over the former plan, however, there are several counties which have not adopted it. Among these is the county of Rensselaer, which still continues to support its paupers at a house of industry, at the expense of \$1.25 per week each, in addition to the labor which they may perform. Until the last year the amount paid was \$1.50 per week. A very brief statement will serve to exhibit the loss which this county has sustained during the last three years, by omitting to establish a poor-house. During the year 1831, the expense of the paupers supported by the county was \$6,007.23, which sum divided by the sum annually paid for each, would give an average of 75 paupers supported during the whole year. At \$1.50 per week, the expense of supporting each pauper would amount to \$78. The average expense during the same period, of supporting a pauper at a county poor-house, was not more than \$33.28, making a loss to the county of Rensselaer, of \$44.72 for each pauper, or an aggregate of \$3,353, for the year 1831. A similar estimate for the year 1832, would make an aggregate loss to the county, of \$3,737.86; and for 1833, after making allowance for the reduced cost of supporting a pauper, a loss of \$2,925.31. The county has, therefore, sustained an aggregate loss in three years of \$10,016.17, for want of a poor-house; a sum exceeding by more than fifty per cent the average value of the poor-house establishments in all the counties in the State, excepting that of the city of New-York.

It is very desirable, on the score of public convenience, that a uniform system of supporting the poor, should prevail throughout the State; and it is equally desirable on the score of economy. From the imperfect nature of the returns received from the counties, in which the towns support their own poor, the whole annual expense

is not often exhibited with certainty; and it is believed, that if the exact expenditure in every case could be shown, the counties would all adopt the poor-house system, and abolish the distinction between town and county poor. The county of Steuben is now engaged in making arrangements for that purpose.

Although the management of the poor-house establishments is not subject to such supervision as to bring all the details of their actual condition under the notice of the Legislature, enough is disclosed by the annual reports of the superintendents to afford just reason for believing, that they are in general as well conducted under the direction of the county authorities, both as regards economy of expenditure and the comfort of the poor supported in them, as they could be under any other system of inspection. With respect to the aged and infirm, humanity dictates that every comfort should be provided for them. But with respect to those who are able to work, the system ought not in justice to individuals or the public, to be so relaxed in its requirements, or so alluring on the score of its comforts, as to present a temptation to those to rely on it, who, with suitable exertions might provide for their own support by the labor of their own hands. If these establishments secure to the persons maintained in them, a more abundant or comfortable support than a laboring man can procure for himself and his family, the inevitable result is to offer to the indolent a premium, to be paid out of the earnings of the industrious. While, therefore, a humane and liberal regard is due to the wants and comforts of those, who from their youth, bodily infirmities or the accumulation of years, are incapable of providing for their own support, the system should for all others be one of unceasing employment. It should not, by holding out the prospect of greater comfort or less labor, present to any one an inducement, other than that of necessity, to exchange his independent industry for a dependance on a public establishment.

By a reference to the abstract marked C, it will appear that 602 lunatics have been relieved or supported during the year, embraced in the returns of the superintendents. The greater part are maintained at the county poor-houses, and it is well known that these establishments have no means of doing more than to provide for their security and mere personal comfort. It must frequently happen, therefore, from the want of necessary accommodations, that those, who require personal restraint, are so secured

as to aggravate the mental disease under which they are laboring. Alienations of mind, which are but partial and which might with proper medical treatment be restored, frequently become incurable from the necessity of adopting, with a view to the personal security of the individuals affected by them, measures which are of themselves calculated to prolong the disease and render its eradication hopeless. So far as is known, no curative process is adopted at any of the poor-houses with regard to insane paupers, and it is hardly possible that it can be with much prospect of success. On the contrary, it is believed, that their condition is often of a nature the most unfavorable to their recovery. So far as it is in the power of the keepers and officers of the poor-houses to ameliorate it, the duty is doubtless faithfully performed; but their ability to accomplish the object is limited by extremely limited means. The evil is the fault of the system, and can not be justly imputed to those who are charged with its execution.

Under every advantage of medical treatment, and with every convenience for promoting a restoration of the mind to a state of sanity; with all the mitigation which attention and sympathy can afford, the deprivation of reason is the greatest calamity which can befall our species. But it becomes infinitely more deplorable when all these alleviations are wanting, and when indigence and neglect conspire to aggravate the disease and render it perpetual. This consideration is not mitigated by the fact, that a great majority of the insane poor now reported, might, with proper medical treatment have been restored to health and to the discharge of their social duties. It is believed, that a disclosure of their actual condition would lead to some effective measures for their relief.

It was recommended in the last annual report of the Secretary of State, that the failure on the part of the supervisors of towns in those counties in which all the poor are not a county charge, to make their annual reports, should be passed by without being reported for prosecution, as required by section 78, of the title of the Revised Statutes, providing "for the relief and support of indigent persons," inasmuch as the pamphlet edition of the poor laws had but recently been sent out for distribution. The delinquencies during the last year are fewer in number, excepting in reporting the number of tavern licenses and the amount of excise money in the several towns; but as the system has only been in operation for a short period, and as there is reason to believe that the delin-

quencies may be owing in some instances to a failure on the part of the proper officers to distribute the poor laws as directed, it is respectfully submitted to the Legislature, that the prosecutions to which the supervisors are liable should not be commenced at this time. This suggestion would not be made, if the Secretary of State were not confident that by taking proper measures at an early day, the reports of next year may be procured from all the persons who are required to make them, and that future punctuality may be secured.

JOHN A. DIX,
Secretary of State.

DOCUMENTS.

(A.)

Abstract of the returns from the Superintendents of the Poor of the several counties, exhibiting the whole number of town and county paupers relieved or supported during the year ending Dec. 1, 1833, and the amount expended for their support.

COUNTIES.	Whole number of paupers relieved or supported during the year ending Dec. 1, 1833.	Number of county paupers relieved or supported.	Number of town paupers relieved or supported.	Whole expense of support of county and town paupers for the year ending Dec. 1, 1833.
Albany,	911	911	9,090 63
Allegany,	85	85	1,400 00
Broome,	85	85	1,358 07
Cattaraugus,	143	143	3,536 52
Cayuga,	274	274	5,038 63
Chautauque,				
Chenango,	119	38	81	1,432 89
Clinton,	310	310	3,748 09
Columbia,	553	553	7,231 82
Cortland,	25	25	1,187 73
Delaware,	124	124	2,712 69
Dutchess,	513	513	9,490 00
Erie,	283	283	3,115 20
Essex,	104	104	1,342 46
Franklin,	117	117	2,618 93
Genesee,	210	210	2,813 20
Greene,	151	151	5,880 90
Herkimer,	220	220	2,850 65
Jefferson,	416	187	229	6,033 42
Kings,	401	401	3,057 59
Lewis,	50	20	30	1,287 41
Livingston,	124	124	1,234 47
Madison,	182	182	3,187 51
Monroe,	888	508	380	9,913 45
Montgomery,	329	329	4,228 04
New-York,	22,584	22,584	92,040 17

[Assess. No. 173.]

COUNTIES.	Whole number of paupers relieved and supported.	Number of county paupers.	Number of town paupers.	Whole expense of support of county and town paupers.
Niagara,	180	180	1,394 41
Oneida,	380	380	5,539 05
Onondaga,	261	147	114	2,475 00
Ontario,	220	220	4,809 27
Orange,	680	680	11,776 61
Orleans,	96	96	..	1,139 39
Oswego,	116	78	38	1,999 76
Otsego,	427	427	5,122 43
Putnam,	110	110	1,889 51
Queens,	285	61	224	7,128 79
Rensselaer,	619	383	286	6,968 50
Richmond,	49	20	29	995 46
Rockland,	135	14	121	2,358 30
Saratoga,	308	308	4,554 09
Schenectady,	45	10	35	1,667 00
Schoharie,	57	30	27	1,943 97
Seneca,	127	127	1,062 66
St. Lawrence,	300	300	7,429 06
Steuben,	169	92	77	4,820 00
Suffolk,	227	8	219	5,073 67
Sullivan,	111	111	1,953 41
Tioga,	112	76	36	2,262 56
Tompkins,	210	125	85	3,033 92
Ulster,	269	149	120	2,816 13
Warren,	98	98	1,600 00
Washington,	286	286	5,676 00
Wayne,	241	241	2,962 00
Westchester,	388	388	8,250 20
Yates,	70	70	1,207 51
	35,777	33,646	2,131	\$295,229 13

(B.)

The following table shows the amount paid in the respective counties, for the transportation of paupers, to superintendents, overseers, justices, keepers, &c. and also the value of the labor of the paupers, the average cost of supporting each pauper, for one year, and one week.

COUNTIES.	Amount paid for transportation of paupers for the year ending December 1, 1833.	Allowance to superintendents.	Allowance made to overseers.	Allowance made to justices.	Allowance made to keepers and officers.	Actual value of the labor of the paupers.	Amount saved in consequence of labor of paupers.	Sum actually expended over and above the labor and earnings of the paupers, for each person during the year.	Actual weekly expense of keeping each person.	Allowance to physicians.
Albany,	\$500 00	\$500 00	\$300 00	\$359 43	\$24,300 00	\$34 32	66c.	\$125 00
Allegany,	\$80 00	161 00	350 00	50 00	75 00	48 75	85	
Broome,	23 44	98 50	78 00	\$14 47	25 26	48 6	
Cattaraugus,	207 00	27 00	11 50	24 73	47 5	209 59
Cayuga,	176 75	246 16	1,186 81	157 94	365 00	792 36	400 00	16 82	32 3	784 03
Chautauque,	121 12	261 00	250 00	354 00	29 76	62	
Chenango,	70 05	93 00	350 00	397 05	397 05	20 80	40	
Clinton,	139 75	147 77	180 31	89 28	324 50	2,161 29	2,161 29	33 80	65	94 69
Columbia,	223 11	413 78	243 72	400 20	520 00	1,200 00	1,200 00	20 80	40	136 67
Cortland,	139 57	8 75	5 88	31 43
Delaware,	150 43	70 75	180 00	66 00	557 00	200 00	250 00	32 76	63	175 09

COUNTIES.	Amount paid for transportation of pauper.	Allowance to superintendents.	Allowance to overseers.	Allowance to justices.	Allowance to keepers.	Value of labor of paupers.	Amount saved by labor.	Sum expended above the earnings of paupers, for each person.	Weekly expense of each person.	Allowance to physical claims.
Dutchess,	142 73	708 00	301 25	182 64	640 00	1,500 00	22 88	44c.	150 00
Erie,	109 00	189 00	313 87	14 13	400 00	35 55	62.5	258 88
Essex,	97 79	126 64	84 59	10 00	525 00	750 00	1,535 56
Franklin,	42 96	70 00	67 63	32 57	340 00	350 00	350 00	19 76	38
Genesee,	114 35	175 00	300 00	250 00	350 00	32 33	62.1	149 00
Greene,	893 00	893 00	29 78	57.3
Herkimer, ...	60 98	99 75	103 73	34 01	335 72	120 00	120 00	22 36	43	152 63
Jefferson,	104 25	116 75	553 72	190 47	604 00	150 00	150 00	29 00	56	677 27
Kings,	50 00	600 00	309 00	47 50	438 55	25 48	49
Lewis,	10 75	45 00	19 05	16 62	350 00	150 00	150 00	25 48	99
Livingston, ..	64 08	126 75	116 47	6 81	297 50	30 54	59	141 98
Madison,	99 13	188 00	170 71	41 81	400 00	310 00	310 00	25 89	49	110 00
Monroe,	98 49	246 25	719 90	221 25	445 00	300 00	450 00	25 36	48.7	210 00
Montgomery, ..	67 94	222 00	296 08	69 43	531 50	500 00	400 00	22 00	41.5	248 49
New-York, ...	589 62	1,600 00	3,907 82	14,043 00	51 22	98	4,081 46
Niagara,	80 75	114 35	510 00	624 07	762 00	28 17	54
Oneida,	130 00	261 04	1,346 25	114 80	770 00	24 26	46	175 00
Onondaga,	248 42	213 00	550 75	500 00	27 50	53	200 00
Ontario,	141 25	120 00	320 83	89 53	300 00	1,100 00	1,727 00	31 97	61	150 00
Orange,	280 35	350 00	471 78	200 88	700 00	1,600 00	1,700 00	23 11	42.5	760 27

Orleans,	37 54	279 00	73 78	19 19	325 00	50 00	21 91	42.1	156 13
Oswego,	94 27	233 81	300 00	92 00	43 16	83	136 00
Owego,	158 35	227 85	222 42	77 41	550 00	22 88	44	303 13
Putnam,	8 34	99 00	32 43	28 75	301 80	400 00	26 61	51	87.5
Queens,	91 62	75 00	411 75	240 15	45 50	87.5	
Rensselaer, ..	7 00	400 00	500 00	
Richmond, ...	10 50	29 00	7 25	99	242 00	48 88	94	25 00
Rockland,	73 50	61 75	36 41	104 69
Saratoga,	156 66	100 00	632 00	500 00	33 73	65	125 00
Schenectady,	50 00	41 50	79.8	
Schoharie, ...	24 37	52 00	161 69	34 88	46 28	88	
Seneca,	49 88	131 50	62 99	50	325 00	250 00	34 45	66	73 33
St. Lawrence, ..	136 00	263 75	31 20	60	
Steuben,	192 00	33 62	62	
Suffolk,	346 00	70 00	38 06
Sullivan,	55 50	97 00	33 00	17 18	223 88	20 00	45 88	88	
Tioga,	71 21	275 50	51 31	14 75	356 12	74 88	1 44	200 00
Tompkins,	69 03	141 62	144 27	26 13	400 00	150 00	33 83	65	152 69
Ulster,	207 87	605 70	408 50	400 00	21 41	41	175 33
Warren,	49 00	275 00	325 00	29 91	57.5	
Washington, ..	104 45	210 00	366 95	69 52	400 00	21 63	41.6	
Wayne,	69 49	160 00	175 00	53 00	400 00	420 00	27 58	53	83 00
Westchester, ..	157 13	233 00	*450 15	550 00	34 84	67	
Yates,	38 00	84 50	80 75	40 88	240 00	60 00	50 30	97	
Total	\$4,856 83	11,313 96	10,932 56	\$2,774 46	\$21,247 64	\$31,217 20	\$32 21	61.8	10593 83

* Overseers and justices.

(C.)

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of persons in the poor-house, Dec. 1, 1833.			Of the persons relieved or supported during the year, there were.				
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiot.	Mutes.	
Albany,	60	27,000 00	614	8	136	34	385	21	170	157	327	516	18	6	2	
Allegany,	180	5,000 00	47	4	2	8	24	2	25	13	38	2	1	4	2	
Broome,	130	4,000 00	54	...	5	2	7	12	20	8	28	7	3	5	2	
Cattaraugus,	7	8	73	5	4	
Cayuga,	83	5,000 00	274	9	12	12	10	30	40	70	39	5	9	
Chautauque,	90	5,988 00	66	2	3	...	22	6	21	15	36	2	4	3	1	
Chenango,	173	4,500 00	47	2	5	...	52	...	38	26	64	6	11	4	
Clinton,	90	4,021 00	310	11	21	6	179	2	60	44	104	259	6	6	3	
Columbia,	200	14,200 00	241	16	29	30	90	50	92	78	170	33	4	2	
Cortland,	3	4	2	43	30	73	
Delaware,	102	5,000 00	76	2	5	3	43	5	34	26	60	7	2	4	
Dutchess,	107	16,000 00	358	15	22	51	181	98	70	91	161	85	7	10	1	
Erie,	80	13,412 69	283	7	21	6	181	41	12	28	40	112	5	1	
Essex,	100	3,800 00	102	2	8	6	47	2	23	18	41	21	4	1	
Franklin,	106	2,000 00	99	3	4	...	28	22	34	22	56	34	3	3	
Genesee,	120	4,000 00	126	1	14	13	69	11	35	48	83	19	7	9	1	

COUNTIES.	Acres of land attached to poor-house.	Value of poor-house establishment.	Number of paupers received into the poor-house during the year.	Born in the poor-house during the year.	Died during the year.	Bound out during the year.	Discharged during the year.	Absconded during the year.	Number of paupers in the poor-house, Dec. 1, 1853.				Of the persons relieved or supported during the year, there were,				
									Females.	Males.	Total.	Foreigners.	Lunatics.	Idiots.	Mutes.		
Steuben,.....	1	49	47	96	3	1	2	3		
Suffolk,.....	61	36	97	2	7		
Sullivan,.....	100	2,300 00	28	2	2	1	5	13	18	5	3	4	4		
Tioga,.....	50	1,000 00	32	3	4	7	12	19	6	1	1		
Tompkins,.....	100	5,000 00	71	2	3	62	6	19	25	44	30	3	2	1		
Ulster,.....	148	7,000 00	125	7	15	8	94	21	51	74	125	21	5	15	1		
Warren,.....	180	1,800 00	42	6	34	2	25	30	55	23	23	4	4		
Washington,....	140	8,500 00	87	2	10	11	59	7	44	43	87	4	2	3	1		
Wayne,.....	150½	6,650 00	114	4	6	11	62	21	31	33	64	4	2	3	1		
Westchester,....	140	18,000 00	196	5	26	18	91	54	74	103	177	78	10	13	2		
Yates,.....	125	4,000 00	50	2	1	6	32	5	10	16	26	22	4				
	5,776½	\$865,770 89	10,494	312	1,138	802	6,833	930	2,821	3,106	5,927	4,525	602	219	48		

(D.)

The following table shows the number of children in the poor-houses under 16 years of age, and the number instructed during the year.

COUNTIES.	Females under 16. Dec. 1.	Males under 16. Dec. 1.	Total of both sexes.	Number instructed during year.	Time of instruction.
Albany,	54	48	102	45	12 months.
Allegany,	9	3	12	11	11 " 9 at district school.
Broome,	8	3	11	No instruction reported.
Cattaraugus,	No poor-house.
Cayuga,	6	14	20	15	Sent to dist. school.
Chautauque,	8	5	13	No instruction reported.
Chenango,	13	11	24	12 months.
Clinton,	27	20	47	35	7 "
Columbia,	35	25	60	30	12 "
Cortland,	No instruction reported.
Delaware,	12	15	27	22	9 months.
Dutchess,	22	38	55	45	12 "
Erie,	3	12	15	33	3 "
Essex,	8	12	20	12	8 "
Franklin,	17	13	30	25	7 "
Genesee,	19	23	42	58	10 "
Greene,	22	28	50	50	10 "
Herkimer,	10	8	18	9	4 " sent to dist. school.
Jefferson,	7	10	17	17	4 " "

[Assem. No. 173.]

COUNTIES.	Females under 16. Dec. 1.	Males under 16. Dec. 1.	Total of both sexes.	Number in- structed du- ring year.	Time of instruction.
Kaga,	20	36	56	23	12 months.
Lewis,	2	5	7	2	3 "
Livingston,	7	9	16	16	6 "
Madison,	3	4	7	No instruction reported.
Monroe,	8	14	22	23	84 months.
Montgomery,	8	7	15	33	13 "
New-York,	194	362	554	360	12 "
Niagara,	8	16	24	19	Sent to district school 5 months.
Oswego,	31	19	50	100	12 months.
Onondaga,	14	21	35	37	12 "
Ontario,	16	13	29	20	4 "
Orange,	24	42	66	120	12 "
Orleans,	9	8	17	17	9 " to district school.
Oswego,	5	7	12	18	8 "
Owego,	53	63	113	No instruction reported.
Putnam,	10	17	27	25	12 months.
Queens,	3	3	5	1	Sent to district school.
Rensselaer,	25	30	55	35	12 months.
Richmond,	2	2	1	3 " to district school.
Rockland,	No poor-house.
Saratoga,	13	24	37	40	12 months.
Schoharie,	3	3	6	No instruction reported.
Schenectady,	6	14	20	20	3 months.
Seneca,	1	3	4	7	12 "

	20	10	30		
St. Lawrence,	No instruction reported.
Stauben,	No poor-house.
Suffolk,	" "
Sullivan,	5	5	6 months at district school.	4
Tioga,	1	4	5	" "	2
Tompkins,	6	8	16	No instruction reported.
Ulster,	23	16	39	" "
Warren,	8	11	19	12 months at district school.	15
Washington,	17	21	36	11 "	38
Wayne,	13	18	31	" "	34
Westchester,	20	30	50	" "	40
Yates,	1	3	4	Sent to district school.	4
	851	1,131	1,963	9 months general average.	1,431

(E.)

*Remarks of Superintendents, accompanying their annual reports.***CHAUTAUQUE.**

Items included in the following average of expense of paupers at the poor-house, are the salaries of keeper and physician, provisions, groceries, clothing, &c. including all and only the expense at the poor-house. Our poor-house went into operation the first day of January last, and consequently the expense of transportation has been more than it will probably be hereafter, therefore, we have thought proper to make the average as below stated; and not having all the items necessary for making the second average, we have wholly omitted it. And we think the number of paupers have decreased about half, and the expense of maintaining the remainder reduced by the poor-house system, since our poor-house went into operation.

COLUMBIA.

I am instructed by the superintendents to say, that they have undiminished confidence in the poor-house system. They are, however, at the same time of opinion, that the magistrate is not clothed with sufficient authority in relation to the drunken wretch that utterly neglects to provide for his family. He neither runs away nor threatens to run away, but greedily devours the pittance procured by the industry of the wife or children, or furnished by the charity of neighbors. Larger expenditures, for the support of persons out of the county poor-house of this description are made, than from any other. The magistrate should be clothed with authority to compel the father or mother, as the case may be, to contribute their labor to the support of their children, &c.

CORTLAND.

Annexed to this report is an abstract of the reports of the supervisors, received by the superintendents. The supervisors' reports are very imperfect, and not specific enough for us to arrive, with any degree of accuracy, at the correct sums expended in the different towns for the support or relief of the poor, nor for the various items of such expenses. The foregoing statement of the number of paupers and expenses, relates exclusively to the county paupers relieved and supported under our care as superintendents.

The distinction between town and county poor has not been abolished in this county, and this, together with the inaccuracies and imperfections in the reports of the supervisors, renders it very difficult for the superintendents to possess the information requisite to make a perfect and full report.

ERIE.

The first item being the number of paupers relieved or supported during the year, includes those only that have been supported at

the poor-house. We might ascertain and report the whole number relieved in the county during the year, but for the purpose of making or showing an expense of support by the year or week, it would be of little consequence or afford but little information. Our reasons are the following: The city of Buffalo, which is in this county, being the termination of the Erie canal, and, therefore, a common receptacle for a large share of poor and foreign population, it has been found expedient, and in the opinion of the overseers of the poor and superintendents, for the interest of the county, to afford partial relief to many families which is continued only for a short time and which is sufficient only for part of their support. This is more particularly the case during the severity of winter, and when some one member of a family is sick and the others mostly able to take care of themselves. Some times it has been thought advisable to aid families or individuals on their journey when destitute, and wishing to join their friends where they have the means of obtaining a support, but if detained must unavoidably go to the poor-house. In addition to this, there are many persons in the city of Buffalo in the course of a year, who do not require or receive aid from the overseers of the poor until after death, but are then dependent on public or private charity for interment. They, by some means, get provided for and taken care of until they die, and then their friends, being perhaps very poor themselves, are unwilling or unable to defray any further charges or procure the necessary articles for their burial. Under these circumstances, the overseers of the poor are applied to, and the funeral expenses become a public charge. This frequently happens when transient persons or parents die, and sometimes families are not able to bury their children. In many instances, therefore, and especially in this city, the only charge for a pauper is for his burial.

In reference to the actual value of the labor of the paupers and the amount saved in consequence of this labor we would remark, that the paupers are almost entirely employed on the farm and in laboring in the garden and about the house providing firewood, &c. It is, therefore, difficult to ascertain with much certainty what their labor is worth or how much is saved in consequence of what they do. The poor-house farm is a new one and requires much labor to bring it into a state of good cultivation and make it productive. The paupers are kept at work as much as they are able in making such improvements as are necessary, and in cultivating the land for the purpose of raising produce. In this way, all the labor of the pauper, as well as all the produce of the farm, goes for the general support and benefit of the establishment, and lessens the average expense of support by the year or week, but it would be difficult to determine to what amount. We have no regular productive employment for paupers at the poor-house, and, indeed, most who stay for any length of time are enfeebled and debilitated subjects that cannot do much work if they would, and those that are able to work or would be if they could be kept a sufficient length of time, such as *drunkards, vagrants, and idle persons*, com-

mitted to the poor-house as a punishment, are sure to abscond as soon as they are sufficiently recruited to take care of themselves, and renew their depredations upon the community.

GENESEE.

The superintendents further report, that they are unable to ascertain the number of persons who have received temporary relief, as no account of that part was taken in settling with the different overseers of the poor in the county. The whole amount expended for temporary relief was \$1,954.06; of which amount, \$387.45 was for services of overseers of the poor, \$67.39 for services of justices of the peace, and \$1,499.24 for necessities furnished for paupers who could not at the time be removed to the poor-house. This last sum includes physicians bills and medicines.

The superintendents would further report, that it is very difficult to state with any accuracy the value of labor performed by paupers at the poor-house, or the amount saved by their labor, as those who are healthy are generally employed in taking care of those that are sick and infirm. There are but very few who are able to labor upon the farm at any time, or to do any business except about the house.

KINGS.

Our official situation has enabled us to make some practical observations on the principal causes of pauperism. We have to state our belief, that about three-fourths of the adult paupers under our charge are habitual drunkards, and that three-fourths of the children are sent to the house in consequence of the intemperance of their parents.

We have had some difficulty with some of the overseers of the poor on the subject of their compensation. The law says, they shall have one dollar a day for every day actually and necessarily employed, &c. Some of them say, this entitles them to one dollar for signing an order for a person to be received into the poor-house, or for furnishing a pauper, on the order of a justice, with fifty cents or more. We have not considered, heretofore, that they were entitled to a dollar for such service. We are also of opinion, that the intervention of a justice is in this county unnecessary.

Dr. A. C. Zabriskie, the physician of the poor-house, having furnished us with some remarks on the diseases and deaths that have occurred during the year, we thought it might be useful to append them. They are as follows:

"There have been 464 cases of disease subjected to medical treatment, between the 20th of April, 1832, and the 10th April, 1833. Of these, 34 have died; the deaths are of the following diseases:

Cholera, malignant,.....	8
Cholera, infantile,	2
Cholera morbus,	1
Consumption,	5

Dropsy,	1
Frozen,	1
Inflammation of the bowels,	1
do of the oesophagus,	1
do of the lungs,	1
Intemperance,	2
Jaundice,	1
Lumber abscess,	1
Marasmus,	4
Old age,	1
Tetanus or lock-jaw,	2
Typhus fever,	2

Total, 34

Of those who died with cholera, four were brought in sick, and two in a collapsed state. The number of deaths among the inmates of the house of this disease, four, is smaller than might have been expected, when we consider that there were at this time in the institution more than 100 individuals, nine out of ten of whom, are brought there by intemperance; that the constitutions of such persons are already broken in many cases, so as to predispose them to diseases of the bowels; that it is the receptacle of the aged and infirm; and that in similar institutions in cities, where the cholera has prevailed, the mortality has always been great. During the prevalence of this disease, there were many cases of common cholera morbus, and almost all the paupers labored more or less under the premonitory symptoms, and the diarrhoea which prevailed so extensively through the country. At this time, a number of infants who had lost their mothers, or whose parents were sick with cholera, were brought into the house. They were from the ages of three weeks to three months. These, from the change of diet, being deprived of the milk of their mothers, and from the epidemic influence of the season when cholera was raging around them, were all immediately taken sick upon their arrival with disorders of the bowels; every exertion to save them proved in vain, they all died. An alteration was made in the diet of the house, upon the first appearance of the disease, and every thing which could tend to provoke a disordered state of the bowels was immediately prohibited.

MONROE.

Enclosed, we send, pursuant to statute and the directions received from your office, an annual report as superintendents of the poor of the county of Monroe. The very deficient and imperfect reports, in many cases, of the supervisors of the several towns, render it very difficult, and we may say, impossible, for us to attain to that degree of correctness desirable. The present superintendents have but just entered upon the discharge of their duties, and have not yet acquired by observation and practical experience, that information, statistical and otherwise, in relation to the poor and the operation of the poor laws, which may enable us to communicate

any thing of importance or use to your department. The great proportion of mendicity in this county is believed to exist among foreigners, generally emigrants, arising from intemperance, or in consequence of their arriving in this country without the means of support, and at those seasons when it is most difficult to obtain employment.

In most cases of persons seeking relief on account of disease, that disease has been found to have been superinduced by intemperance. The German emigrants are found to be much more temperate and less in want, than any other foreigners.

So far as the superintendents are able to form an opinion, they are decidedly of the belief that agriculture can be prosecuted advantageously at the county poor-houses by pauper labor, and that while it contributes greatly towards defraying the necessary expenses of pauper support, it also has a tendency to lessen the number of paupers; for many, when compelled to labor at the poor-house soon leave, and seek employment elsewhere on their own account.

The town reports, incorporated into our annual report, it will be perceived come down only to the 23d of March last, and our report comes down to October only, that being the time of the annual report of the superintendents to the board of supervisors, and that being the time too, to which the former reports of superintendents have reached.

ONEIDA.

The \$5,589.05 includes temporary relief and the services of the overseers, as well as justices of the peace.

We have not been furnished from any source, with the amount of excise money from any town, but the whole amount received is about \$1,900.

ONONDAGA.

The superintendents would observe to the Secretary, that sections 76 and 77, (Title 1st of Poor Laws,) have not been complied with, and consequently they have not been furnished with the necessary information to extend this report beyond what is required in relation to the poor-house establishment. The allowance made to superintendents, to wit: \$213, is not included in the average of yearly or weekly expense of paupers.

QUEENS.

The poor in the different towns are farmed out to contractors, and of the particulars of the contracts the superintendents are ignorant. The poor under the charge of the superintendents are farmed out to a contractor, who is entitled to the labor of the paupers under his charge, and is also paid eighty-seven and a half cents per week for each and every person sent to his house. For the above sum and the benefit of the labor of the paupers, he boards,

clothes, and buries all who die at his house. The superintendents furnish beds, &c. a physician, and pay transportation bills.

RENSSELAER.

The distinction between town and county paupers has not been abolished in said county; therefore, the superintendents have, since the present law took effect, hired the county paupers boarded at the poor-house owned by several of the towns of said county. For the past year, they have paid \$1.25 per week for the board of each pauper, without distinction of age or condition, exclusive of clothing and medical aid. The institution receiving all the benefits arising from the labor of the paupers.

RICHMOND.

In making out the estimate of expenses, the superintendents have included the sums paid for manure, for farm ditching, and making stone wall, which amounts to three hundred dollars, and is nearly one-third of the whole expense. In estimating this sum as expenses for the year, the superintendents differed in opinion. Some were of opinion it should be added to the value of the farm, which would have reduced the expense of each pauper to 65½ cents per week, or \$21.62 a year.

SARATOGA.

The superintendents remark, that this report refers exclusively to the poor supported in the poor-house. The accounts for temporary relief in the several towns, together with the accounts of overseers of poor, justices, and physicians, not having been received, it is not in the power of the superintendents to state the number of indigent persons relieved temporarily or the amount of expenses incurred; but from the accounts received and audited by the superintendents, they are led to believe that the whole of such expense, including services of overseers, justices, and physicians, will not vary much from one thousand dollars. We further observe, that having closed our year's accounts with the supervisors on the 11th day of November last, this our report includes one year from the 12th of November, 1832, to the 11th of November, 1833, inclusive.

STEUBEN.

I improve the first opportunity of forwarding to you the report of the superintendents of the poor of this county after receiving the reports of the supervisors.

The report is as perfect as my means would enable me to make it.

Our accounts are annually settled, up to the first of March. It is then that contracts are made for the support and furnishing of county paupers, and they are contracted about the county among their friends, &c. &c. &c. It has, consequently, been impossible

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to give the exact sums and other items full and with certainty, but it is believed that they are not far from correct.

The board of supervisors of this county, at their sitting lately, resolved to purchase a farm, build a poor-house, and abolish all distinction between town and county poor.

SULLIVAN.

Enclosed is our annual report. About eight hundred dollars was paid for temporary relief, including one hundred and fifty paid to the town of Lumberland, for debts due at the time the distinction was *abolished* in 1830. Our permanent relief at the poor-house is also swelled beyond the usual sum in consequence of purchasing oxen, cows, stoves, kettles, &c. which is not added to the value of the farm.

WASHINGTON.

The law for the relief of indigent persons seems to contemplate the payment of all the costs of their support, both in and out of the poor-house, by orders drawn by the superintendents on the county treasury, and the Secretary's exposition favors this construction of the law. In those counties where the poor-house and county treasury are situated near each other, no practical inconvenience will be found in following out the law. But our poor-house and county treasury are twelve miles apart, and a strict observance of the letter of the statute has been found on trial productive of so much inconvenience to those having small demands, and the occasion of so much additional expense to the county, that arrangements were made with our county treasurer, by which we drew the cash and paid it out ourselves at the poor-house. This plan was adopted near a year ago, and has given very general satisfaction to overseers, and indeed to all others presenting accounts for the audit of this board. And we may here remark, that the whole matter was presented to our board of supervisors and by them was discussed and approved, although no formal order in relation to it was taken. The present practice, however, is so fully approved, that by an understanding common to the board of supervisors, the county treasurer and this board, it is to be pursued the coming year.

On one ground it seems objectionable, and to that we would call your attention. Superintendents are by law regarded an *auditing* but not a disbursing board, and hence are not required to give bail; so that on the plan pursued here, the treasurer runs the hazard of the superintendents solvency and faithfulness. By an arrangement with our treasurer, we are to give him satisfactory security, and then to receive the whole amount of money raised in the county for the support of the poor. Now would it not be advisable to amend the statute so that superintendents, (at least in counties situated like ours,) shall be required to give security, upon which the treasurer shall pay into their hands the poor funds?

The increase in the expense of supporting the poor in this county for the year past, on the orders of justices, is alarming. Some overseers seem to feel that because they are elected for a *town*, they are not required to protect any other interest than that of their townsmen, and that the treasury of the county is, therefore, fair game. This, together with a want of caution, in some instances, on the part of justices making orders for relief, accounts at least in part for the increase. In the way of remedy, it is our design to employ physicians by the year, and at fixed salaries, in those towns most frequently presenting accounts of the character complained of. We expect thus to save something, not only in charges for medical service, but the tendency of the measure we think will be to hasten paupers to the poor-house, instead of detaining them in the towns as at present.

IN ASSEMBLY,
February 14, 1834.

REPORT

**Of the Comptroller, on the petition of Herman
Jenkins.**

COMPTROLLER'S OFFICE, }
Albany, February 14, 1834. }

TO THE ASSEMBLY.

The Comptroller, on the reference from the Assembly of the
petition of Herman Jenkins,

RESPECTFULLY REPORTS:

That the facts set forth in the petition are substantially true, in
relation to the sale of subdivision No. 4 of lot 31, in the town of
Brutus, to Peter Stewart, the transfer of the lot to the petitioner,
the payments into the treasury on account of said lot, and the re-
sale of the same. This sale took place on the 30th of April, 1833,
and the lot was bid off by Peter Smith for the sum of \$445. The
amount due to the State at the time of sale was as follows, viz:

Principal,	\$245 00
Interest,	53 67
Costs of advertising,	1 50
Tax in arrear,	6 89
	<hr/>
	\$307 06
	<hr/>

This leaves a surplus in the treasury, after paying all charges
due upon the lot, including the taxes in arrear, of \$137.94.

There was incorporated into the Revised Statutes a provision, authorising the Comptroller to refund the surplus moneys obtained on a resale of land to the person legally entitled to the land. This provision, being section 10, title 8 of chap. 8, page 186, 1st Revised Statutes, was repealed by the 17th section, chap. 320, of the laws of 1831.

Respectfully submitted.

A. C. FLAGG, *Comptroller.*

IN ASSEMBLY,

February 13, 1834.

MEMORIAL AND REMONSTRANCE

Of the Mayor, Aldermen and Commonalty of the city of New-York, against the application of the inhabitants of Brooklyn, to be incorporated as a city.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened :

The memorial of the mayor, aldermen and commonalty of the city of New-York,

RESPECTFULLY REPRESENTS:

That your memorialists have had their attention called to the application now pending before your honorable body, on behalf of the inhabitants of the village and town of Brooklyn, in Kings county, for an act to incorporate them as a city, and that after a careful examination of this subject, your memorialists have arrived at the following conclusions; that is to say:

That it is impolitic, as well in respect to the interests and welfare of the applicants themselves as of the inhabitants of the city of New-York, that the former should be incorporated as a city, except in connection with the city of New-York, upon just and equal principles.

That the same cannot be otherwise done, with any substantial advantages to the inhabitants of Brooklyn, without materially infringing upon the vested rights and necessary immunities of the city of New-York.

That the act which has been prepared for this purpose, on behalf of the applicants, contains many provisions, which, by their

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very terms, contemplate invasions of the territory and jurisdiction of the city of New-York; and others, which from their vague and undefined import, could hardly fail to occasion conflicts between the two cities, as to their respective rights.

That from a want of proper vigilance on the part of the city of New-York, or some other cause, dangerous encroachments upon her chartered and statutory rights, have already obtained the sanction of legislative enactment, in the act under which the village of Brooklyn now exercises its powers as such, passed April 3, 1827, and that the present application seeks to confirm and extend those encroachments.

That it is the solemn duty of your memorialists, as the guardians of the municipal interests of the city of New-York, not only to remonstrate against the act of incorporation now sought for by the inhabitants of Brooklyn, or any other act containing similar provisions, but to endeavor to procure a restoration of such of the rights, privileges and immunities, of the city of New-York, as may have been already infringed upon or disregarded in the enactment of any law heretofore passed at their instance. And finally:

That from the peculiar situation of the city of New-York, its commercial character and importance, and the inseparable connection existing between its prosperity and that of the whole State, it is for the interest of the people of this State, as a political body, to second your memorialists in their efforts to preserve and protect the rights and privileges of the city of New-York in their full integrity, and to defeat all attempts to establish a distinct and rival commercial community, which by exercising a divided or concurrent jurisdiction over the waters which now constitute the harbor of New-York, must inevitably interfere with regulations already established in respect to its navigation, embarrass the commercial pursuits of this ancient and flourishing city, and lead to a state of hostility and bad feeling between parties, whose contiguity and peculiar local situations, indicate that they should be united as one body, to participate in and enjoy with mutual security and benefit the advantages with which nature has surrounded them.

In support of those views, your memorialists beg leave to refer to a communication made on this subject by the mayor of this city to the common council thereof, and to a report made relative

thereto by a special committee of the said common council, both of which are hereunto annexed. And they pray most respectfully, for the reasons more fully set forth in those documents, that the said proposed act applied for by the inhabitants of Brooklyn, or any other act having for its object the incorporation of the said inhabitants as a city, with provisions of a similar character, may not be passed by your honorable body.

January 4th, 1834.

GIDEON LEE, *Mayor.*

By the Common Council.

J. MORTON, *Clerk.*

DOCUMENTS.

BOARD OF ALDERMEN.

October 14, 1833.

The following communication was received from his honor the mayor, respecting the application of the village of Brooklyn to the Legislature, to become a chartered city, was read, laid on the table, and directed to be printed; together with a resolution of alderman Palmer, on the subject.

J. MORTON, *Clerk*.

MAYOR'S OFFICE, OCTOBER 14, 1833.

Gentlemen of the common council,

It will be remembered by your honorable body, that application was made to the last session of the Legislature, to grant a city charter to the town of Brooklyn.

The bill introduced for that purpose, (a copy of which is herewith communicated,) was the cause of much doubt and embarrassment to the representatives from this city, who, in the absence of any instruction from their constituents, suffered the bill to pass the Assembly, almost without objection: the public authorities here at the same time were apprised of the facts, by the Speaker of the Assembly.

The Senators from this city, when the bill reached them, being in a similar state of doubt, as to the effect of the bill on the rights and interests of this city, procured the indulgence of delay, until they should ascertain the will of their constituents—their letters were communicated to the common council—resolutions of remonstrance were passed by that body against the measure, and communicated to the city delegation in the Legislature; to which cause the failure of the bill in the Senate is doubtless attributable, four members only voting in the negative.

The inhabitants of Brooklyn complained, and perhaps justly complained, that the silence of the city of New-York, while the bill in question was progressing in the Legislature, until nearly the close of the session, when the sudden act of remonstrance on our part, left them insufficient time for explanation to the Legislature, or for counteraction.

I have reason to believe that the application will be repeated by the town of Brooklyn, to the ensuing session of the Legislature,

and I deem it my duty to bring the subject thus early to the notice of the common council, to prevent the recurrence of any cause of complaint on the part of Brooklyn, and that such just and discreet measures may be adopted in reference thereto, as shall be thought expedient.

The subject appears to me to be of great moment to the city of New-York.

If the great and fundamental basis of a commercial city be its harbor and its water communications, and if a unity of government, a unity of law and regulations over such harbor, be essential to the prosperity of such commercial city, then it would seem to be the duty of the guardians of the city of New-York to confer with the public authorities of Brooklyn, ascertain the kind of charter to be applied for, and whether any of the provisions may endanger or contravene the charter rights of the city of New-York; whether, indeed, two commercial cities, under two distinct and separate governments, located on one harbor, may not prove to be mutually injurious.

In addition to the usual definitive and limited powers embraced in a city charter, there is necessarily the undefined, and undefinable power to pass the necessary ordinances to regulate the public health, police, markets, fisheries, ferries, assessments, wharves, wharfage, passengers, alien paupers, and for the inspection, weighing, measuring and gauging produce and other property, &c. &c. Such ordinances might be so passed as to operate in collision with the ordinances of this city, or in contravention of our vested and chartered interests.

It will be readily conceded by every reasonable mind, that the inhabitants of all the territory contiguous to the port or harbor of New-York, should be permitted to participate in the benefits and advantages it presents. It is equally clear that such participation, in the use and benefits of the best shipping port known to navigators, should also be extended to the whole commercial world, and that by means of such commercial participation, the manufactures and the agriculture of the most distant portions of the globe are likewise incidentally permitted to participate in such benefits; any act of legislation, therefore, which shall tend to injure, or in anywise mar or embarrass the commerce or navigation of this great commercial depot, which seems to have been destined for universal benefit, whether by severing the unity of the government over it, or by raising up conflicting interests around it on the contiguous land or on the water, or by any other act of legislation which may tend to embarrass the trade or navigation, or endanger the public health, or depreciate the value of property or the prices of goods, would be injurious and unjust, not only to the immediate local inhabitants, but to every county and town in this State, as well as to all those portions of the globe which resort hither for purposes of commerce.

With this view of the subject, I submit for the consideration of the common council, the propriety of referring the subject to a proper committee, to confer with the public authorities of Brook-

lyn, hoping and believing that a friendly conference of the parties may discover to each mutual interests and mutual benefits, in a pacific arrangement of the question.

GIDEON LEE, *Mayor*.

Resolved, If the board of assistants concur, that two members from each board be appointed a special joint committee, to examine and report whether it is necessary to the protection of the rights and interests of this city, that the corporation thereof should oppose the contemplated application from the village of Brooklyn to the Legislature of the State for a city charter; and in what respects the granting of such charter will interfere with the rights, privileges, and immunities of this city, and whether any plan of accommodation can be agreed upon to satisfy the just expectations of the citizens of Brooklyn and New-York.

That the counsel of the board, comptroller, and street commissioner attend said committee.

JAMES PALMER.

BOARD OF ALDERMEN.

January 6, 1834.

The special committee to whom was referred the subject of the application of the village of Brooklyn to become a chartered city, presented the following report, which was read, laid on the table, and directed to be printed for the use of the members.

J. MORTON, *Clerk*.

The committee on conference, to which was referred the consideration of the communication from his honor the Mayor, enclosing the bill entitled "An act to incorporate the city of Brooklyn," which passed the Assembly at the last session of the Legislature, but was lost in the Senate; and which it is understood the people of Brooklyn intend to present again to the Legislature for their adoption at the approaching session; together with a resolution submitted by the alderman of the thirteenth ward, relating to the same subject—Document No. 30, Board of Aldermen, Oct. 14, 1833, respectfully report thereon:

That the committee, at their earliest meeting, directed their chairman to address a letter to the president of the board of trustees of the village of Brooklyn, informing him of the appointment of this committee, and proposing a conference with such delegates as they might be pleased to appoint on their part, relative to the application about to be made to the Legislature, to incorporate the city of Brooklyn; as that subject involved matters of deep interest to both counties.

To which the president of Brooklyn replied, that he would submit the same to the board of trustees for their consideration.

Pursuant to this proposition, the village and town of Brooklyn and the county of Kings, appointed their respective delegates, who, on the 10th day of December, 1833, assembled in conference with the committee, at the City-Hall, and took into their consideration the subject referred to them; and which they freely and amicably discussed.

In the course of the deliberations, it became manifest that great diversities of opinion, difficult to reconcile, existed in the conference, in respect to the policy and propriety of introducing the provisions contained in the bill referred to the committee, and enacting them into a law. The committee holding the negative and the united delegates from Kings county the affirmative.

On the part of Kings county it was insisted, that the provisions in the bill were necessary for them, and could not injure New-York. That the service of the process of Kings county upon the waters of the river and bay of New-York would do no harm, for it would leave the waters trackless, and in case of a conflict, the process from Kings must give way to the process from New-York, and that they ought to have jurisdiction over the whole bay. And they cited the charter of the city of Buffalo to show the propriety of investing the city of Brooklyn and county of Kings with the jurisdiction of the waters of the river and bay, notwithstanding the previous grant of the county jurisdiction to the city of New-York over it.

In reference whereto the committee state, that there is a new principle in the bill to incorporate the city of Brooklyn, abstractedly considered; for that it proposes to erect a new city adjoining another ancient one, under such circumstances as will expose the parties to a commercial rivalry, incompatible with the prosperity of either. It provides, that the inferior process of the former should run into the latter, which, besides being a great innovation, is, as the committee think, inconsistent with the general policy of our laws, contrary to justice, and at variance with the equal administration thereof.

Feeling the deep concern which these circumstances could not fail to occasion, and being satisfied that the preservation of the immunities of the city of New-York free from disturbance, was essential to her future growth and tranquillity, and therefore could not be of less moment to her than the objects sought by Kings county were to them; and that it was even more necessary to the integrity of New-York, that conflicting rival jurisdictions should not be interwoven with hers, to struggle with her for the mastery at the wharves and upon the waters of her port and harbor, and within the body of her county; the committee proposed to the united delegates a measure for their consideration, in the hope that, if it met the approbation of the people of Brooklyn and Kings county, and also received the approval of the people of the city and county of New-York, it would quiet the conflicting elements which this subject shows to have already begun their action; and which was the more reasonable, as divers questions have already occurred between New-York and Brooklyn, with the issue of which neither party is altogether satisfied.

The measure thus proposed consisted of an invitation on the part of the committee to the united delegates from Kings, to take into their consideration the propriety of uniting the city and county of New-York and the village of Brooklyn, or, if more satisfactory, the whole county of Kings, into one city, under one chartered government, upon such equitable and just terms and conditions as might be agreed upon, and as the Legislature might approve, in order thereby to insure a unity of interest, and thus produce uniformity in action.

The committee regret to state, that to this amicable and friendly proposition for extending to Kings county equal commercial privileges with the city of New-York, on just an equal terms, without injury to either, for the removal of present and the prevention of future difficulties, naturally rising out of contiguity of location, and the incidents of an almost infinitely diversified and extended commerce, the united delegation promptly replied:

That they had no authority to hear or entertain such a proposition; and that, in their opinion, the mere communication of it to their constituents, would cause great irritation, and deep and lasting disquietude. They, therefore, could not listen to or entertain the proposition in any form.

If the joint delegation had consented to submit this friendly proposition, suggested by an anxious desire to avoid questions with an adjoining county, to the people of that county, the committee would have respectfully recommended to the common council to take into their deliberation, the propriety of an application to the Legislature, for an act to submit to the people of the city of New-York, at their next charter election, the decision of the question relative to the propriety and expediency of uniting the two counties under one city government, upon just and equal terms.

This refusal renders it necessary for the committee to exhibit to the common council, in the course of this report, an exposition of the nature of the provisions of the bill referred to them, but which they had hoped would have been rendered unnecessary, by the adoption of some measure in the opinion of the committee better calculated to promote the general prosperity, than they can suppose this bill to be. And they are persuaded, that no other expedient can be devised, than that of uniting the two counties, by which the jurisdiction of the waters of the river can ever be vested in the authorities of Kings county, without inflicting upon the city of New-York evils of far greater magnitude than the benefits are, which could result to the people of Kings.

With respect to the charter of Buffalo investing that city with the jurisdiction of the waters of the State within her limits, as described in the act of her incorporation cited by the joint delegation of Kings, in support of the position which they had taken in regard to the jurisdiction of the waters of the river and bay, the committee observe, that the grant of the jurisdiction of the waters to the city of Buffalo lying west thereof to the line of the State, accords in principle with the like grant to the city of New-York, and shows

that the usage of the government in this respect is the same now, that it was when the charter of New-York was granted.

If in the first stages of settlement these provisions were necessary, they must be far more so now, that the waters are covered with the elements of an immense commerce. For the greater the business carried on over these waters may be, the greater is the necessity for unity and simplicity in the government under which it is conducted, so far as mere municipal regulations are concerned. It is the opinion of the committee, therefore, that it would be exceedingly improvident to erect rival commercial cities in the face of each other, mutually to struggle and paralyze their own efforts.

For reasons like these, the village of Harlem, whose charter has been supposed to have been older than that of New-York, is understood to have been long since surrendered up, because of the unavoidable clashing of jurisdictional authority betwixt her and New-York, as they are situated in the same county.

Buffalo, of which we have been speaking, is a frontier city, and in this respect resembles New-York. It is situated at the eastern extremity of Lake Erie, on both sides of the great western canal at its termination, and on the northerly side of Buffalo creek. The boundary line of the State in front of the city passes along the middle of the channel or bed of the navigable waters, and that part thereof which lies in front of the city to the line of the State, is placed under the jurisdiction of the city government, for the security and convenience of commerce, and furnishes a case agreeing in its principles with the charter of New-York; the same reasons operating in both cases. It seems to be a rational conclusion, that the principles which produced the original enactment, if just and reasonable, should preserve their force, as long as the reasons remain unchanged.

In laying before the common council the statutory laws regulating the waters of the port and harbor of New-York, including the waters to the Hook, the committee have deemed it reasonable to set forth so much of the charter and statutory law, as may be necessary to form an idea of the changes which would be effected by the passage of the bill referred to the committee. But as the location of the boundaries of the county of New-York are the same in the charter, (pages 41, 42,) as they are in the third volume of the Revised Statutes, (page 2,) the committee have set out only the latter, which runs thus:

"The county of New-York shall contain the islands called Manhattan's Island, Great Barn Island, Little Barn Island, Manning's Island, Nutten Island, Bedlow's Island, Bucking Island, and the Oyster Islands, and all the land under water within the following bounds: beginning at Spuyten Duyvel creek, where the same empties into the Hudson river on the Westchester side thereof, at low water mark, and running thence along the said creek, at low water mark, on the Westchester side thereof to the East river or Sound; then to cross over to Nassau or Long Island, to low water mark there, including Great Barn Island, Little Barn Island, and Manning's Island; then along Nassau or Long Island shore, at low water mark to the south side of the Redhook; then across the

North river, so as to include Nutten Island, Bedlow's Island, Bucking Island, and the Oyster Islands, to the west bounds of the State; then along the west bounds of the State, until it comes directly opposite to the first mentioned creek, and thence to the place where the said boundaries began."

"The county of Kings shall contain all that part of this State bounded easterly by Queens county, northerly by the county of New-York, westerly by the middle of the main channel of the Hudson river, from the southern boundary of the county of New-York to the ocean, and southerly by the Atlantic ocean; including Coney Island and Barren Island, together with all the islands south of the town of Gravesend."—*Ibid.*

"The county of Richmond shall contain the Islands called Staten Island, Shooter's Island, and the Islands of meadow on the west side of Staten Island, and all the waters and lands under water of this State around the same, situate to the southward and westward of the middle of the main channel of the bay and harbor of New-York, as far as the bounds of this State extend."—*Idem.* page 2, vol. 3, R. S.

"§ 7. The counties of Kings, Richmond, and New-York, shall, for the purpose of serving all process, civil or criminal, have concurrent jurisdiction on the waters in the counties of Kings and Richmond, lying south of the bounds of the county of New-York."—3 vol. R. S. page 18. See also, *Laws* of 1824, p. 359.

In the first volume of the Revised Statutes, page 206, are the following provisions:—

"§ 67. The commissioners of the land-office shall have power to grant so much of the lands under the waters of navigable rivers, or lakes, as they shall deem necessary to promote the commerce of this state, but no such grant shall be made to any person, other than the proprietor of the adjacent lands, and every such grant that shall be made to any other person, shall be void.

"§ 68. The powers hereby vested in the said commissioners shall extend to lands under the water of Hudson's river, adjacent to the state of New-Jersey; and also to the lands under the water; and adjacent to and surrounding Great Barn Island in the city and county of New-York; and to the land between high and low water mark on the said island; but no grant shall be so made as to interfere with the rights of the corporation of the city of New-York, or to affect the navigation of the waters surrounding the said island."

"§ 69. The powers of the commissioners shall also extend to the lands under water, adjacent to and surrounding Staten Island; but no such grant shall be so made as to interfere with any rights of the corporation of the city of New-York; or to extend more than five hundred feet into the water, from low water-mark."

These seem to be the general legislative provisions, parcelling out the jurisdiction of the waters of the port, harbor, and bay of New-York, including the roads to the sea, by way of Sandy Hook; by which it appears that Kings, Richmond and New-York, have concurrent jurisdiction over that part of these waters which lie

south of the Sounds of New-York, so far as the service of process is concerned. This provision was first enacted on the 24th November, 1824, (Laws 359,) in consequence of the great embarrassments which continually arose by reason of the number of persons who having either contracted debts, or broken the laws, sought to escape by sea, and could not be pursued and arrested unless they were found within the limits of the county in which the venue in the process was laid: or, in other words, unless they were found within the jurisdiction of the sheriff or other officer to whom the process was directed.

There is also a similar provision in the 3d volume of the Revised Statutes, page 19.

"§ 8. All process issuing to officers of either of the counties bordering on the Seneca lake, may be served upon the waters of the said lake, by any officer or person charged with the service thereof; and the said counties shall, for all the purposes of civil and criminal process, have concurrent jurisdiction on the said waters."

These various provisions show the sense of the Legislature, of the necessity of placing upon the shores of navigable waters, constituting great public roads, a competent jurisdiction for the protection of the business carried on over them; and the security of the persons engaged in, or connected with it, the utility of which is manifest. There is a great difference between concurrent jurisdiction over roads where vessels in general neither lade nor unlade their cargoes, unless to comply with quarantine regulations, or where the transactions are few, and such a jurisdiction coming to the wharves and slips of a great commercial city, the multiplicity and variety of whose transactions set an interdict upon the propriety of such a jurisdiction in such a place. It is as if one man should have the right of regulating the internal affairs of his neighbor's family, and as the committee apprehend, cannot fail to produce multiplied discontents and lasting disquietude to all parties.

The committee also ask leave to remark that they are aware of the principle; that if a wharf or pier were erected contiguous to the shores of Brooklyn, or land made thereon by filling out into the river, so that the new formations were united to the land above low water mark, that the county of Kings and the village of Brooklyn, would acquire the jurisdiction over such new formations, by force of well settled legal principles; notwithstanding the land while it was covered with water, was within the body of the county of New-York. And to this principle of the *jus accrementi*, or right to the increase, the committee not only do not make any objection because it is an equitable as well as a legal principle, but they also see in it the force of law tending to elucidate the reasons why concurrent jurisdictions are not tolerated upon land, except upon a very high necessity; namely, because things there are more permanent and abiding, and the habitations of men, or the easements and ways appurtenant thereto, have taken the place of the waters which before vested thereon, and it is reasonable, that the jurisdiction should follow the change thus slowly made

by the labor of man, the same being thereby united to his former possessions.

In this case the law expels the former jurisdiction to the extent of the new formation, because of the change and the permanency of the occupation, and draws the other contiguous jurisdiction over it, in order to avert the evils that otherwise would rise from the discouragement which men would feel, if in such cases they were subject to lose the jurisdiction of the new acquisitions thus made: and because such an acquisition confers a natural right and jurisdiction, which ought not to be disturbed, and therefore the law confirms it.

When therefore the waters of a commercial city become so continually occupied by the great number of ships and vessels, and other means and materials employed in commerce, that they are seldom vacant; but when one vessel removes another comes in its place: and the transactions upon the water, and the amount of property there are almost as great and numerous as those on the land, in proportion to the space; if the reasons for enforcing unity of jurisdiction are not as strong as they are on the land, they are at least strong enough to make themselves felt, and will, as the committee believe, demonstrate their own propriety and efficacy in the end, whatever preliminary or intermediate course may be taken in the mean time.

Under these circumstances the committee have compared the act, entitled An act to reduce the law incorporating the village of Brooklyn, and the several acts amendatory thereof, into one act, and to amend the same, passed April 3, 1827, page 127, with the bill referred to the committee, and find in them a progressive procedure, encroaching on the jurisdiction previously granted to the city of New-York. And while they respectfully admit the right and power of the Legislature, to change the bounds of the city and county of New-York, at their discretion, and consequently her jurisdiction also; yet it is humbly trusted, that if the matter had been respectfully represented to the Legislature in its true light, the power of serving process and of appointing officers to exercise their official duties, within the city of New-York, would not have been vested in the trustees of the village of Brooklyn, or county of Kings, in the manner mentioned in the act of 1827, and also of performing within the county of New-York, the other official acts authorised by that statute.

The thirty-fourth section of this act provides, "that the trustees of Brooklyn may appoint from time to time, one or more persons, as harbor-master in the village of Brooklyn, and that the said harbor-master or masters when so appointed, shall have power to regulate and order all ships or vessels lying at the wharves of the said village, and to remove from time to time, such ships or vessels as are not employed in discharging or receiving their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging theirs. And if any master or others having charge of such ships or vessels, shall neglect or refuse to obey the directions of

such harbor-master, he shall forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, for the use of the said village; and that such harbor-master shall have the same fees for his services as are allowed to the harbor-masters of the city of New-York."

Upon the provisions of this section the committee observe, that the county of New-York extends all along the shores of Brooklyn, on the line of low water mark, as far south as Redhook, and that the committee are not aware that Brooklyn has any wharves or docks south of Redhook, so that all the docks and slips of Brooklyn are believed to have been built within the county of New-York, a circumstance which they mention for no other purpose than to show, that all vessels discharging or receiving cargoes at Brooklyn, are within the port and county of New-York, and therefore the harbor-masters appointed by the board of trustees of the village of Brooklyn, discharge their official duties within the city of New-York.

They also ask the attention of the common council to the fortieth section of the act of 1827, above cited, which is as follows, that is to say: "That it shall and may be lawful for the sheriff and deputy sheriffs of the county of Kings, and for the constables and marshals of the town or village of Brooklyn, to serve civil or criminal process on board of any or all such vessel or vessels, as shall at any time or times hereafter lay attached or fastened to any of the landing places in the said village, or to any of the wharves of the same, by ropes, chains, or otherwise, or attached and fastened to each other, and laying alongside of any such wharves and landing places, in the said village, in the same manner, to all intents and purposes, as they are now or may hereafter be authorised to serve the same within the said village of Brooklyn, any law, usage or custom to the contrary notwithstanding."

This section authorises the sheriff and deputy sheriffs, constables and marshals of Kings county and the village of Brooklyn, to perform their official duties within the body of the county of New-York, to the same extent as the thirty-fourth section above cited authorises the harbor-masters to do, inasmuch as whatever is afloat at the wharves in Brooklyn is in the city of New-York.

This will more fully appear from the boundaries of Brooklyn, as described in the act of her incorporation, above cited, that is to say:

"All that district of country in the town of Brooklyn, in the county of Kings, contained within the limits following, to wit: beginning at the public landing south of Pierpoint's distillery, formerly the property of Philip Livingston, deceased, on the East river, running thence along the public road leading from the said landing to its intersection with Redhook-lane, thence along said Redhook-lane to where it intersects the Jamaica turnpike road, thence a northeast course to the head of the Wallabout mill-pond, thence through the centre of the said mill-pond to the East river, and thence down the East river to the place of beginning; and shall continue to be known and distinguished by the name of the village of Brooklyn."

In these boundaries Brooklyn is made to extend to the river, on a line passing through the centre of the mill-pond, and thence down the river to Redhook. It may be observed that this act of incorporation of the village of Brooklyn, passed in 1827, and the Revised Statutes, which came into operation on the first day of January, 1830, page 2d, above cited, containing the bounds of New-York, describe low water mark as the boundary line between Kings county and New-York, on the Long-Island and Brooklyn shore. This latter act, therefore, removes all doubt, if any before existed, that the bounds of Brooklyn are now as they formerly were, at low water mark, and her territory, therefore, extends to the river, but not into it. Whatever is afloat, therefore, is in the city of New-York, unless it is above low water mark. It is also a principle of construction, that grants and conveyances of land running to or bounded by navigable rivers, extend only to tide mark, unless otherwise expressed.

The committee apprehend, therefore, that there is no ground for the intimation that has been expressed, that the charter of Brooklyn of 1827 had rendered the boundary line between Brooklyn and New-York dubious and uncertain. The circumstance of such an apprehension having been suggested, occasioned, however, the more care to explain this point than would otherwise have been deemed necessary; and because also, that it seemed to be reasonable that this paper should show the exact situation of the parties and places. The boundaries therefore remain as they are described in the charter of the city of New-York, as the same was granted in the year 1730.

It must be admitted, however, that this circumstance does not free the city of New-York from the effect of her being subject to the service of the process of Brooklyn and Kings county within her boundaries, and the further incident, that the trustees of Brooklyn have power to appoint harbor-masters, whose official duties are to be exercised within the body of the county of New-York. A power which is by no means counterpoised at this time by the jurisdiction which New-York has to serve process, civil and criminal, in the roads from her south bounds to the sea, so far as Kings county is concerned. And as to the concurrent right which New-York has to execute such process on the quarantine ground, that is a necessary branch of the sanitary jurisdiction of a great commercial seaport, and could not be withheld consistently with sound policy and good government, any more than the like power could be to serve process in the great roads between such a seaport and the high seas. Neither is it to be denied, that this power is necessary to all the towns upon the waters of the river, bay and harbor of New-York, within the three counties of Kings, Richmond and New-York. This necessity is a high demonstration of the propriety of an entire conservative jurisdiction over the whole of these waters, that there may not be different and conflicting regulations in the same port and harbor, interfering and clashing with each other, to the great detriment of commerce and good neighborhood.

All history proves the fact, that commercial cities are natural

rivals and competitors. Who does not know that wars and other calamities of the most grave character, have grown out of the rivalries and conflicts incident to commerce, in all ages of the civilized world?

It is not to be doubted but that the commerce of this port, if not impeded by unwise regulations, or retarded by public calamities, will, at some future period, not very distant, exceed even that of London, the present mistress of trade, and a population of two millions be congregated in the bosom of the three counties, Kings, New-York and Richmond.

If conflicting municipal governments are permitted to rise and grow up with the enormous wealth and strength that will then be concentrated here, if such wealth and strength ever could be attained in the midst of such a conflict, every corner of the State will feel the evils. While, therefore, the germs of this greatness are yet young and tender, now when they are just budding forth, is the time to give them a safe and healthy conformation, and unite them in one body; to the end that it may be the interest as well as the policy, as also the habit and custom of those who may be engaged in it, to act in concert.

It seems to be essential to this purpose that these three counties should be united under one city government. If this measure should be adopted; if Heaven breathes its blessing on the procedure, you will, in the opinion of the committee, lay the foundation of the most magnificent city in the universe, in trade, wealth, and internal resources.

If this suggestion should be approved by the people, the sooner it is adopted the better, before we severally become wedded to conflicting usages, or divided by the diversity of our interests. If this measure were adopted, it would not require the abolition of any courts, or the dismissal of any magistrates or other offices; all these would be as necessary then as they are now; and such regulations might be adopted as that all the three sheriffs should be continued under such an arrangement, as that they should all, in law, make one sheriff, after the manner of London, and then there would be no conflict of jurisdiction, but equal protection and justice might be dispensed to all. The chief change would be that the three counties would elect the mayor by a general ticket, and being divided into wards, by aid of an act of the Legislature, if approved by the people, every ward within the three counties would elect and send to the common council an alderman and an assistant, who, together, would form the general conservative government, for the direction of matters of such sort as are now under the guardianship of the mayor and common council of the city of New-York.

The importance of these matters occasioned the committee to desire their chairman to request his honor the mayor to communicate his views, in order that the committee might be able to lay the same before the common council, and which having been done, they ask leave to insert the same in their report, and which is as follows, that is to say:

Bond-street, 21st Dec. 1833.

To Alderman JAMES PALMER,
Chairman of the Committee
on the Charter of the city of Brooklyn.

MY DEAR SIR:

I cheerfully reply to your request, so far as my knowledge extends, relative to the powers and jurisdiction of the corporation of the city of London.

"The jurisdiction of the Lord Mayor of London, over the river Thames, extends from Colnditch near Staines, to Yendal, near Sheerness, and also includes parts of the rivers Medway and Lea."

I am not in possession nor do I know of any printed authority which will give a clear, connected, and satisfactory view of the *present practical* government of the great metropolis of England.

It must be expected, that the powers and the government of a city, which in her growth and progress "has united in her own body and identified with herself one other city, one borough, and forty-three villages," including nearly two hundred parishes, each under a complete government in itself, must necessarily be exceedingly complex and intricate, and perhaps impossible to be understood except by those who are actually engaged in or connected with the administration of such government. I have therefore resorted for the following information to William Serrell, Esquire, now resident in New-York, but whose life has been spent in and near London and a large portion of it in the performance of duties connected with the administration and the public works of that metropolis.

Mr. Serrell was a member of the Livery of London, and is moreover a man of good integrity, and possessing a larger fund of general science and practical knowledge than is usually met with.—Mr. Serrell informs me that "the mayor and common council of London have the exclusive and sole jurisdiction over all the waters of the harbor—whether criminal, police, or civil, that is to say, over all the waters of the Thames, from Windsor, 26 miles above the city, to its confluence with the sea, 38 miles below the city, to *high* water-mark on both shores of the river. The mayor, or the mayor and aldermen, appoint the water-bailiffs, harbor-masters, weighers, measurers, and all other officers, whose duties are connected with the waters from *high* water-mark on the north bank, to *high* water-mark on the south bank, the whole distance of sixty-four miles. This jurisdiction pervades every thing or person afloat, and all goods discharging or landing, all process civil or criminal—all the moving or laying of vessels, ships, boats, or other things—is directed, ordered, and performed exclusively by the corporation of London, or by the officers and agents appointed by them. All pre-emptive grants or leases, below *high* water-mark on either shore, are granted or withheld by the conservative committee of the corporation of London, according to their *will*. No erection of a wharf or other thing can be done, in the whole dis-

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tance, by the owner of the river front-land, a single foot below high water-mark, without such lease or grant.

The mayor of London has also a conservative control over the waters of the rivers Lea and Medway.

"No water can be taken from the river Thames on either side for purposes of irrigation, or for watering towns or cities, without a grant or lease from the corporation of London, or from its conservative committee." To this unity of government—to this undivided power—to this exclusive control over the waters, the harbor, and the commerce of London, is ascribed in a great measure the unexampled growth, wealth, and splendor of that great emporium.

On reading the charter of the city of New-York of 1730, it is clear and conclusive to my mind, that such and similar powers were intended to be granted, and were in fact granted to this city, within the boundaries then defined.

In a letter I received from the Honorable Charles Wells, mayor of Boston, he says, "this city suffers no inconvenience by reason of contiguous corporations; we have complete control of all our harbor."

I regret that other employments do not permit me to collect the information on this subject from other commercial cities. I regret this the more as I deem the subject referred to your committee, and in relation to which your inquiries are made of more importance, of more dangerous importance to the future prosperity of the commerce, the health, and the peace of this city, and to all other settlements or towns which may be formed upon or connected with this port and harbor, that can now be readily perceived or clearly known.

As respects the internal police and government of London, I have collected much information from Mr. Serrell, and other sources. It is extremely complex, the powers being divided among, or concurrent with very numerous persons, corporations, parishes, and other boards; and although some of its hints may possibly be useful in relation to the future internal police and government of the city of New-York, I do not perceive that the present inquiry of your committee would be materially benefitted by it.

Respectfully, your obedient servant,

GIDEON LEE.

With respect to the bill referred to the committee, they respectfully state, that they have had the same under consideration, and find it to contain provisions inconsistent with the jurisdictional rights of the city of New-York, as the same now exist by law, and to be far more objectional than the act of 1827. They therefore ask leave to lay before the common council a statement of their views, and some of the objections to which the bill appears to them to be liable, to the end that the common council may take such order thereon as to them may seem meet.

The bill under consideration is understood to be the same that was passed by the House of Assembly at their last session, and it

is intended by the people of Brooklyn to memorialize the Legislature to pass the same at the ensuing session, in its present or some other modified form. It is entitled, "An act to incorporate the city of Brooklyn," and a copy thereof accompanies this report. See Document No. 30, Board of Aldermen, Oct. 14, 1823.

This bill is loosely drawn, but that looseness is the convenient means of carrying broad and undefined powers of legislation and jurisdictional rights, not limited by any particular boundaries other than such as rise from construction out of municipal provisions.— These loose enactments are, in the apprehension of the committee, more dangerous to the immunities of the city of New-York, than the more open and definite regulations of the bill; for which reason it is thought to require the more careful examination.

And the more so, because if the bill should pass into a law in its present form, it may be that the ordinary rules of construction, by which county regulations made by statute are held to the limits of the county, may be endangered by the broad scope of the enactments, apparently designed to give the city of Brooklyn and the county of Kings a jurisdiction over the waters of the port, beyond the limits of their former territory.

The nineteenth section contains a general authority to appoint measurers. If this is intended of measurers of grain, and as the authority is not defined, it may as well carry that construction as any other; the city of Brooklyn will retain a power which was lately taken from the city of New-York, by the State Legislature, to be exercised in the same port within the city of New-York, and thus occasion an invidious distinction. Brooklyn, however, already has this power, by the seventh section of the act of 1827, now in force.

The twenty-ninth section of the bill contains a provision, that the common council shall have power to make such ordinances, by-laws, and police regulations, not contrary to the laws and constitution of this State, as may be necessary to carry fully into effect the powers given them by the bill; and also all such further and other ordinances, by-laws, and police regulations, not contrary to the constitution and laws, as may in their judgment be necessary for the good government of the said city and its inhabitants, and the regulations of the trade and commerce thereof; and to enforce the observance of the same by imposing such penalties as they may think proper, to be recovered in the corporate name of the said city, with costs in an action of debt, in any court having cognizance thereof, and to be applied to the use of the said city.

The trade and commerce of a seaport town must, in a great measure, be carried on over the waters of its harbor. But perhaps it may be said, that the waters within the city of New-York will not be affected by this regulation; for that a grant of power to the city of Brooklyn must be limited to her territorial jurisdiction. To which it may be replied, that although in general this is so, yet it may be otherwise in the present case, as this bill contains provisions which can not, by any known rule of construction, be confined in their operation to the limits of her county. And as

some of its provisions must be construed to be designed to operate within the body of the city and county of New-York, that circumstance lays a foundation for the conclusion that the sweeping provisions of the bill, of which we are speaking, were intended to have the same extensive operation and construction.

It is also a settled rule of construction, that the whole statute must be taken together and construed as an instrument, in order to arrive at its general design, and carry into effect its true spirit. If therefore it should appear from the various provisions of the act, that the Legislature intended it to operate within the city of New-York, the courts will be constrained to give it that construction, and Brooklyn may thus acquire a jurisdiction for herself and Kings county "over the whole bay," or some proportion of it not within her limits.

Now the power given by the twenty-ninth section, above cited, is no less than the authority to pass such ordinances as she may deem necessary, and to regulate the trade and commerce of the city. It may be that this grant would be held to the limits of the county, or perhaps of the city; but on the other hand it may be construed to operate as widely as any other clause of the bill carries her jurisdiction, because her trade and commerce may at least be considered to extend wherever her laws and ordinances operate, and wherever the officers appointed by her municipal government can exercise their official functions. It would be a strange supineness not to regard the immunities of New-York as put it in jeopardy by the purviews of this bill.

This then may be a power to regulate her commerce as well without as within her county, and taken in conjunction with the other providing clauses of the proposed act, may have an operation which it will be difficult to limit. These circumstances seem to afford no small degree of evidence, that the instrument is designed to carry the jurisdiction of Brooklyn over the whole bay, either by the operation of this law, or of some other, to which its provisions might naturally lead.

There is, however, another rule of construction connected with this subject, and which the committee apprehend may be held to apply to it, by which statutes not prescribing any limit to their own operation, expire only with the limits of the jurisdiction enacting them. From the general aspect of the bill its provisions are probably intended to take effective construction, from the plenitude of the authority of the enacting power, in which case the effect may be to enlarge the jurisdiction of Brooklyn and Kings county, so as to spread it over the port and harbor of New-York.

Besides, this section of the bill contains very high powers; for it is armed with the authority of enforcing the laws and ordinances enacted under it, by penalties having no other limit than the discretion of the common council of Brooklyn, to be levied upon all persons who should disregard her laws and ordinances.

By this bill it is proposed that Brooklyn should be authorised to pass by-laws to operate within the city of New-York, as will be seen by its clauses. Hence if she should undertake to restrain

New-York, which by legal intendment is only one person, by her ordinances, from exercising any municipal authority on the Brooklyn shore at the wharves there, that is, alongside of them, and for that purpose to ordain such penalties as she might imagine would be sufficient to confine the municipal authorities of New-York to the northerly side of the East river, it is easier to imagine than describe the high state of irritation and contention to which this would lead. And it may not be prudent at this time to hazard a conjecture as to the issue of such a state of things. However this may be designed, the committee beg leave to express their opinion, that it is too hazardous to be trusted if it can be avoided.

A high state of rivalry and enterprise, naturally produce a corresponding vividness in other matters connected with the means and easements of business; and the jurisdiction of New-York, coming as it does to the wharves of Brooklyn, to low water mark there, in the event of her becoming a city and possessing all the natural means of an unlimited commerce, which New-York has, excepting only the jurisdiction of the adjacent waters, it can not be expected but that she would feel herself shackled and oppressed for the want of that jurisdiction; and the committee deeply feel this circumstance; but it is impossible for them to advise, or admit the propriety of extending to her the jurisdiction of the river, upon any other terms, than that she should be united to New-York as one city. This, in the opinion of the committee, ought to be immutable, as well as it relates to the future prosperity of New-York, as of Brooklyn also, and they think they may add the commercial prosperity of the State likewise; for whatever affects the general mart, must in the same degree affect the general thrift.

The committee do not wish to indulge any unnecessary animadversion, but the licentious range of this bill has unavoidably excited the inquiry, whether it is indeed in the pleasure of the Legislature so far to divest themselves of the legislative power, as the delegation of so high an authority as seems to be implied, in "the power to make, establish, repeal, and modify all such ordinances, by-laws, and police regulations, not contrary to the constitution and laws of this State, as may be necessary to carry fully into effect the powers before and hereinafter given to them; and also all such other and further ordinances, by-laws, and police regulations, not contrary to the said constitution and laws, as may in their judgment be necessary and proper for the good government and order of the said city and its inhabitants, and the regulation of the trade and commerce thereof, and to enforce the same with such penalties as they may think fit; inasmuch as this clause, by its peculiar frame, seems to contain both a general and a special power to frame and enact laws; the first, for any purpose which they may deem necessary, and the second, to regulate the inhabitants of the city and the trade and commerce thereof, and to enact for their enforcement unlimited penalties.

The committee respectfully inquire, therefore, how far this power, if it can be so granted, falls short of a general power of legislation to bind, not only the people of her own county, but of New-

York also. The limit that such laws shall not be contrary to the Constitution, is a restraint no greater than the Legislature itself is under, for they cannot pass laws contrary to the Constitution, so as to give them an effective operation; and as to the other part of the restriction, that they shall not pass such ordinances as are inconsistent with the laws of the State, it may perhaps be held to mean that thereby laws must not contravene any higher principle of law already established, but must be consistent with it. Hence, if the bill now under consideration should pass into a law, it may be that its enactments may be followed up by such ordinances as may be deemed necessary to enforce its principles, as well against the city of New-York as against any other person, and may be enforced by such penalties as the common council of Brooklyn, excited by any supposed injuries, whether constructive or otherwise, may please to enact; and if any question should rise, might be held to be justified by the provisions of the proposed law now under consideration.

The committee ask, therefore, whether the Constitution has not ordained, that the legislative power shall be vested in a Senate and Assembly; and they cannot fail to remonstrate against the introduction of such a rival power within the verge of the city of New-

The territory of the Legislature is as extensive as the State, and the village of Brooklyn is capable of receiving any territorial jurisdiction, which the Legislature is able to grant to a city or town. And hence the question might not only be, what the jurisdiction of Brooklyn was, before the passage of the proposed act, but also what the Legislature would then have made it, by passing the bill before us.

Some experience of the inconvenience arising from the clashing of jurisdictions, has been acquired on our western border, and much trouble in adjusting it. If a like collision arises in the south, under the laws of our own State, where the number of transactions and amount of business are, or perhaps will be, as an hundred to one, there may be occasion for more circumspection than men are ordinarily found to possess.

For what purpose is the State divided into counties, if it be not to avoid difficulties and contentions of this sort? If the effect of this bill may be to remove or obliterate the jurisdictional landmarks between the two counties, the evil cannot be much less than it would be, if it removed the actual boundary to the same extent, unless it interdicted the use of the waters also, which fortunately is not open to either party.

The provisions contained in the thirty-fourth section are as follows, that is to say: "That all process, warrants, orders, notices, and papers of whatsoever nature, issued by, growing out of, or connected with the proceeding of any court, magistrate, or other officer, in the county of Kings, in any civil or criminal suit, case or proceeding, may be served, levied, or executed, and the sheriff or deputy sheriffs of the county of Kings, the magistrates, constables, and marshals of the said city, in pursuance of the said act, may execute the duties of their respective offices, and the powers

conferred on them by virtue thereof, on board of, upon or against, any vessel, raft, or other thing attached to, or alongside of any wharf or landing place in the said city, or attached to or lying alongside of any other raft or other thing, which shall be so attached to or lying alongside of such wharf or landing place, as fully to all intents and purposes as the same could be done in any part of the said city. And where a person shall be fleeing from justice, or property shall be removed for the purpose of avoiding seizure thereof, an arrest or seizure of such person or property may be made in civil or criminal cases, at any time whilst such person or property may be within three hundred yards of the shores of the said city."

However necessary a jurisdiction like this may be for Brooklyn, if this bill should pass into a law, for the reason that such powers are indispensable to a sea-port town, having an extensive foreign and inland commerce, yet its possession under such circumstances would be no less a calamity than the present want of it. If, therefore, it should appear necessary to erect Brooklyn into a city, with enlarged jurisdiction for conducting an extensive commerce, in order to avoid evils of greater magnitude, yet it ought not to be done in such a way as to amount to a mere shifting of calamities. If such necessity exists, it must not only be equally urgent in regard to New-York, to justify such an encroachment upon her, but to be beneficial, the jurisdiction so granted must be free from disturbance. Hence, therefore, whatever necessity Brooklyn may have for an increase of jurisdiction on the New-York side, is met by an equal necessity of protecting the latter city, and of preserving the tranquillity of both. These considerations seem to present, not only an unanswerable argument against erecting such a city in the face of another, with confused and interfering jurisdictions upon the waters of the same port and harbor, but on the other hand to show, that the two counties ought to be united into one city, with equal privileges, and thereby secure to both the peaceful jurisdiction and undisturbed use of the waters.

The 85th, 86th, 87th, and 88th sections, relate to the powers of the board of health, as connected with the sanitary laws of the city of Brooklyn, and do not seem to differ very materially from the provisions contained in the Revised Statutes, vol. 1, page 450, 451, in respect of the board of health of Brooklyn; and may therefore be supposed to be unobjectional; especially as such provisions are necessary in a seaport town, having an extensive commerce.

The quarantine and other sanitary regulations, contained in the act entitled An act to reduce the law incorporating the village of Brooklyn, and the several acts amendatory thereof, into one act, and to amend the same, passed April 3, 1827, may not be materially variant from those contained in the bill under consideration. It may be remarked, however, that while these provisions stood alone, they would be construed as a sanitary regulation only. But when embodied in an act with other regulations, giving jurisdiction over the adjoining waters, all the provisions must be taken

and construed together, and acquire accumulated force from each other.

There is, moreover, one circumstance which seems to be obvious, namely this: that one board of health is sufficient in one city; and there being a board of health in New-York, with jurisdiction over the port existing by the laws of the State, it would seem to be not only unnecessary but an indignity to give to the board of health of Brooklyn, jurisdiction in the city of New-York; the committee respectfully suggest therefore, that the jurisdiction of the Brooklyn board ought reasonably to be limited to Kings county, and the waters appertaining thereunto.

The spectacle of two boards having jurisdiction over the waters of the same city, with power to enforce their orders, whether conflicting or not, with heavy and ruinous penalties, is a great injustice to the citizens, and jeopardizes the commerce of the State, and in the opinion of the committee, ought to be remedied. These things, if not timely corrected, may kindle a fire by and by. Many great cities have been ruined by commercial rivals, with whom they were unable to compete.

The 94th section provides, that whenever any vessel lying at, or near any wharf, or shore of the said city, shall have such a quantity of gunpowder on board, as to render the same dangerous in the opinion of the mayor, and any two aldermen, or, in his absence of any three aldermen, he may, by his order, or in case of his absence, such three aldermen may, by their order, direct the same to be removed to such distance from the said wharf, or shore, as they may think proper; and if the master, or person having charge of such vessel shall refuse or neglect to obey such order, a penalty of five hundred dollars shall be incurred thereby, for which he and also the owner or owners and consignees shall be liable, and which may be recovered of them or either of them, in the name of the mayor, aldermen, and citizens of Brooklyn, to the use of the said city, in any court having cognizance thereof: And in case of such refusal or omission to comply with such order, if there be no person having charge of such vessel, the mayor, or three aldermen aforesaid, may cause such vessel to be removed, and recover the expense thereof, from the master, owners, or consignees of the said vessel, in an action in the corporate name of the said city, for so much money paid to his or their use.

It may be that in such case, the board of health of New-York, and also that of Brooklyn, would both have jurisdiction over such vessel, as she in all probability, would be within the city of New-York, and if they should make conflicting orders and proceed to enforce them, by reason of irritation or otherwise, the victim when once escaped from the territory, might be careful how he entered it again. The decline and fall of trade, like that of empires, comes not without causes, but which sometimes have very small beginnings.

The 96th section of the bill provides, that the common council of the said city may appoint and remove at pleasure, such number of harbor-masters, as they may think proper, who shall have

authority to regulate vessels of every description, boats and rafts lying at or coming to the wharves, or landing places of the said city, or which may be attached to any such vessel, boat, or raft, which may be lying at any such wharf or landing place; to direct the removal thereof, from one place to another, as may be necessary for their mutual accommodation, or for the purpose of affording greater facilities for receiving or discharging cargoes, or taking on board, or landing passengers, or for any other reasonable purpose; and if any person having charge of any such vessel, boat, or raft, shall refuse or neglect to obey any such direction, he shall incur a penalty of fifty dollars, to be recovered with costs, in the corporate name, and to the use of the said city, in any court having cognizance thereof.

Section 97. The said harbor-masters shall receive the same fees as the harbor-masters in the port of New-York, and the owners of wharves in the city of Brooklyn shall receive the same wharfage, and be entitled to the same remedies for the collection thereof, as the owners of wharves in the city of New-York.

These provisions, when taken in connection with the other providing clauses of the bill, are apprehended to have a broader purport than those on the same subjects in the act of 1827; and when considered together, seem to carry an undefined power and jurisdiction, the limit of which is not easily designated. And if this bill should pass in its present form, there will not be any definite line, where the jurisdiction of one city will begin, and that of the other terminate; and a continual clash of authoritative powers must ensue.

The authority to the harbor-masters, to regulate vessels coming to the wharves in Brooklyn, is of the class of powers which may be regarded as subject to some uncertainty. If it is intended to designate vessels in the stream, coming to for the purpose of taking a berth at the wharf, at what distance shall the authority of the harbour-master assume the direction of the vessel? And who in this case, without the decision of a court of competent jurisdiction could undertake to determine? This inquiry is rendered important by the great number of the provisions in this bill, which propose to extend the jurisdiction of Brooklyn and Kings county into the city of New-York.

If however, the words, coming to the wharves, should be taken to mean, frequenting the wharves; then the common council of Brooklyn would probably acquire the same power by the passage of this bill, to regulate the market boats and coasters, frequenting the markets and public slips of Brooklyn, through the medium of their harbor-masters, as the common council of the city of New-York, have to regulate such boats and vessels coming to the public docks and slips in the city of New-York. And as the 97th section provides, that the owners of wharves, in the city of Brooklyn, shall receive the same wharfage and be entitled to the same remedies for the collection thereof, as the owners of wharves in the city of New-York—what difference would there be in this respect,

[Assem. No. 175.]

between the two corporations, as to their powers over the waters of New-York?

Such incursive provisions can hardly fail of being fruitful in jurisdictional strife, and seem likely to involve much individual and municipal litigation; and the committee are not without apprehension that they will tend to injure the commercial reputation of the port.

The 98th section provides, that no person shall sink any vessel, or sink or cast any thing into the river, which shall have a tendency to obstruct the navigation, or lessen the depth of the water, within one hundred feet of any of the wharves or landing places of the said city, under the penalty of five hundred dollars for every offence, to be recovered in the corporate name, and to the use of the said city. And the common council may cause such sunken vessel, or other thing, to be taken up and removed, and recover the expense of such taking up and removal, from the owner or owners of such vessel, or from the person or persons who may have caused or permitted the same, or such other thing, to be sunk or cast into the river, in an action of so much money, paid to the use of such person or persons, in any court having cognizance thereof.

So far as the last section tends to prevent obstructions not intended to facilitate commerce, from being placed in the river, there cannot be any objection to it, as a measure. But if such a law is required, it ought reasonably to yield its powers and penalties to the constituted authorities of the county in which the obstructions may be placed.

There is however, apparent cause to apprehend, that this provision may carry another construction, and may be held to prevent the city of New-York from building piers, erecting wharves, or filling slips, in cases where they may deem it expedient to do so, on the Brooklyn side of the river; notwithstanding New-York is the owner of a considerable quantity of land there; also, of land, between high and low water-mark, granted to her by the charter, as well as land under the water, and the right of establishing as many ferries between New-York and Long Island, as the mayor, aldermen, and commonalty may deem expedient; who have there divers ferries so established; and in virtue of the laws and statutes of the State, and of these immunities, have made divers leases of lands on the Brooklyn and Williamsburgh shores, reserving rents as by law they might; and have also expended divers great sums of money there, in the erection of wharves and piers, and in the making of land under water to be land, by filling up the same, and other rights there; some of which rights and immunities may be endangered if this bill should pass into a law; as the committee apprehend, that by means of it Brooklyn might acquire a control as inconsistent with the legal rights of the city of New-York, as they now exist by law, as the provisions of this bill are. And if this bill may be regarded as a specimen of the moderation with which such control would be exercised, it might be quite as well for the city of New-York, and her immunities, to remain under the guar-

dianship of her own common council. And further, if the harbor-masters of Brooklyn, have, or should acquire, the regulation of the "vessels taking on board or landing passengers," as stated in the 96th section of the bill, may they not exercise the power of the statute, to the injury of the ferries on that side of the river? And as to whether that clause refers to the ferry-boats or not, it may be inquired to what other vessels are the words of it more applicable?

The 98th section however, seems to over shoot its object. It does not place any discretion in the common council to permit the doing of the thing prohibited, and if this bill should pass, Brooklyn herself, would not be able to build a pier, or fill up a slip, without violating the law, any more than New-York could. Brooklyn, however, could break the law with impunity, because the penalty is given to her; whereas New-York would be subject to that penalty for building piers in her own county: its tendency to change the jurisdiction is therefore manifest.

The 66th section of the act of 1827, incorporating the village of Brooklyn, is as follows: that is to say—

"That nothing contained in this act shall in any manner operate to interfere with, abridge, or destroy the rights, privileges, or immunities of the mayor, aldermen and commonalty of the city of New-York."

The committee remark, that, although the bill referred to them, is far more incursive in its provisions than the above act of 1827, and proposes to invade New-York to a much greater extent than that act did; yet it has no provision to protect the immunities of New-York, and must therefore be regarded as intended further to change the county jurisdiction of the river, a circumstance which could not fail of being a great calamity. There is therefore, the demonstration of a progressive encroachment.

This is but another evidence of the fact, with which all history is pregnant, that commercial cities are natural rivals and competitors.

If, therefore, it should be found impracticable to modify the bill in a satisfactory manner, it will be necessary to remonstrate against its passage. For, if the process of Brooklyn and Kings is permitted to run in the city and county of New-York, any enactment that it should not interfere with the rights, powers, or immunities of the mayor, aldermen and commonalty of the city of New-York; or that in case of a conflict, the process of Brooklyn and Kings county should give way to that of New-York, as suggested by the joint delegation, would not by any means place the city of New-York in respect of her jurisdiction, where she stood before the passage of the supposed act. For all such provisions must be construed to embrace only such cases as arise in consequence of the process of each county, coming to be served at the same time; and therefore could not provide a remedy for cases where process of execution or attachment, from Brooklyn or Kings, had been served on a vessel or other property, in the city of New-York, and was quietly lying in the custody of the sheriff of Kings; because

in that case, the property would be vested in the sheriff by which it was first levied or attached; and a subsequent writ to the sheriff of New-York, could not divest the property. And although it was yet remaining in the body of this county, he could not take possession of it in virtue of a subsequent levy made on another day. And thus a great inequality would rise in the administration of justice in the two counties; for while all the county, town, and ward process of Kings county and Brooklyn, would run in the city and county of New-York, and therefore give them the benefits in a good degree, of supreme court process, without the expense or delay attending it, the city of New-York, and her process, would not only be debarred from running in the county of Kings, but would in divers instances be restrained and rendered inoperative even in her own county; to the great detriment of her citizens, and to the discouragement of fair trade, and the destruction of equal rights.

Such saving clause, therefore, even if it should be enacted, would leave New-York with a feeble and inadequate jurisdiction. And as to the process of Brooklyn and Kings county giving way to that of New-York, it would be an invidious distinction, inconsistent with the dignity of Kings county, and one, which the committee hope, will never be enacted.

The following resolutions are recommended for adoption: that is to say—

Resolved, That the committee be authorized to employ such additional counsel, and take such just and lawful measures, as they may find necessary in carrying the views of the common council, as expressed in this report, or otherwise, into full effect.

Resolved, That the counsel be instructed to prepare a memorial to the Legislature, in conformity with the principles of the foregoing report; remonstrating against the enactment of the proposed law, entitled, "An act to incorporate the city of Brooklyn," and against every other charter or law, which shall infringe upon the rights, privileges, or immunities of the city of New-York; and further praying, that if the said rights, privileges, or immunities, have been in any manner invaded, that they be restored to their former extent and integrity.

All which is respectfully submitted.

JAMES PALMER,
J. AUG. SMITH,
STEPHEN ALLEN,
J. HAMMOND,
D. BANKS,
E. H. WARNER.

IN ASSEMBLY,

January 15, 1834.

REPORT

Of the committee on the incorporation of charitable and religious societies, on the petition of the trustees of the First Baptist Society of the town of Macedon in the county of Wayne.

Mr. McKnight, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of the trustees of the First Baptist Society in the town of Macedon in the county of Wayne, for a law authorizing them to sell certain real estate therein,

REPORTED:

That it appears from the representation made by the petitioners, that they, as trustees of the First Baptist Society in the town of Macedon in the county of Wayne, are in possession of, and own about three and a half acres of land situate in the said town of Macedon, and being part of lot number twenty-six in township number twelve in the third range of townships, on which the house of worship, with other buildings belonging to said society are situate; and that the interest of the said society requires the disposition of the whole or part of said piece of land, for the uses of said corporation. And they further represent, that at a meeting of the members of said society, regularly notified, they passed a resolution to sell and dispose of a part of their said real estate.

The committee, having examined the laws for the incorporation of religious societies, are of the opinion that full and ample provision is made therein to meet the wants of the petitioners.

The eleventh section of the act above mentioned, (vide volume 3, page 298 of the Revised Statutes,) provides "that it shall be lawful for the chancellor of this State, upon the application of any religious incorporation, in case he shall deem it proper, to make an order for the sale of any real estate belonging to such corporation; and to direct the application of the moneys arising therefrom, by the said corporation, to such uses as the same corporation, with the consent and approbation of the chancellor, shall conceive to be most for the interest of the society to which the estate so sold did belong.

Your committee therefore beg leave to submit the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

IN ASSEMBLY,
January 16, 1834.

REPORT

Of the committee on the judiciary, on the petition of Edward W. De Grove and Quincy De Grove, and the petition of John Springsteen and Elizabeth his wife.

Mr. Haight, from the committee on the judiciary, to which was referred the petition of Edward W. De Grove and Quincy De Grove, praying for the passage of a law releasing the interest of the State in lot number thirty-three Wall-street, in the city of New-York; and the petition of John Springsteen and Elizabeth his wife, praying for the passage of a similar law releasing a lot in the village of Athens,

REPORTED:

That by the said petitions, it appears that the lands therein mentioned have escheated to the people of this State; and that by an act entitled "An act relative to applications to the legislature for grants of escheated lands," passed April 25th, 1829, every person applying to the Legislature for a release of lands escheated to the State, shall give the like notice of such application in the county where such lands may be situate, and in the State paper, as is required by the third title of the seventh chapter of the first part of the Revised Statutes. No evidence has been furnished to your committee of the publication of the notice required by the act referred to, and your committee are informed no such publication has been made; they have therefore directed their chairman to ask that they be discharged from the further consideration of the said petitions, and that the petitioners have leave to withdraw the same.

IN ASSEMBLY,
January 16, 1834.

REPORT

**Of the committee on banks and insurance companies,
on the bill to prohibit the circulation of bank notes
of a less denomination than five dollars.**

Mr. Bowne, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the bill entitled "An act to prevent the circulation of bank notes of a less denomination than five dollars,"

REPORTED:

That the committee have had the subject under consideration; and in view of all the reasons suggested both for and against the principle contained in the bill, have arrived at the conclusion, that there is nothing in the present posture of our monied banking system that calls for the passage of the bill under consideration. On the contrary, your committee are of opinion that the principle reduced to practice, would operate very injuriously upon a very large portion of the community, and produce much inconvenience to the people at large.

Your committee are of opinion this act should not become a law,

IN ASSEMBLY,

February 14, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of Richard Pennell.

To the Assembly.

The commissioners of the Land-Office, in pursuance of a resolution of the Assembly, referring to them "Richard Pennell's petition to the Legislature for an act relative to a wharf at the Narrows, in Kings county," have the honor to submit the following

REPORT:

The petitioner represents that he is the owner of a lot of land at the Narrows, on Long-Island, and that a wharf which has been several years on his premises has been so injured, by a late storm, as to require rebuilding: and not having been able to ascertain that it was originally erected under the authority of the Legislature, he is desirous, before making heavy expenditures, of procuring such a grant as will protect him in the use of the wharf when rebuilt.

The authority of the Commissioners of the Land-Office to make grants of land under the waters of navigable rivers or lakes, and under the waters adjacent to, and surrounding certain islands in the harbor of the city of New-York, to promote the commerce of this State, does not extend to the land under the waters surrounding Long-Island. Revised Statutes 1st vol. page 208, sections 67, 68 and 69. The Legislature has repeatedly authorised the construction of docks, by individuals on Long-Island, extending into the Sound, as may be seen by reference to chapters 37, 173 and 228, Sess. Laws of 1829, and to chap. 140, Sess. Laws of 1833; [Assem. No. 179.]

and no reason is perceived why a like authority should not be granted in the present case, when the petitioner shall make it apparent that the grant would promote the interests of commerce. For the reasons which have actuated the Legislature in making grants in similar cases, the Commissioners beg leave to refer the Assembly to the reports of select committees, on the petitions of Jonathan Peck and others, and the petition of George D. Coles, page 652 of the Assembly Journal of 1829, and on the petition of Thomas Garvie, page 904 of the same Journal, and on the petition of Samuel Nichols, Doc. 257 of the Assembly Documents of 1833. The use of the wharf for several years may be fairly deemed to raise a presumption in its favor as promoting the public convenience, and will probably be regarded as giving the petitioner an equitable claim to the grant which he asks, unless good reason to the contrary be shown. But whether the prayer of the petition should be granted without such a notice to the inhabitants residing in the neighborhood, by publication or otherwise, as will enable them to make objections, if any they have, or without some voluntary testimony on their part that the contemplated improvement would promote the interests of commerce, is respectfully submitted to the Assembly, with the single remark, that in all applications to the Commissioners, such a notice is required, under the provisions of sec. 70, 1 vol. Revised Statutes, page 208; and that the Commissioners, by their regulations, require an affidavit from the first judge of the county, the supervisor and town clerk, or two of the assessors of the town in which the land applied for is situate, stating "that the said land is not more than what is necessary for the purposes of commerce," &c.

Respectfully submitted.

JOHN A. DIX, *Secretary.*

A. C. FLAGG, *Comptroller.*

A. KEYSER, *Treasurer.*

GREENE C. BRONSON, *Att'y-Gen.*

February 14, 1834.

IN ASSEMBLY,

February 14, 1834.

REPORT

Of the committee on claims, on the petition of Elizabeth Scott.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Elizabeth Scott, praying for the appraisal of her damages, which she has sustained by means of the erection of the Troy dam,

REPORTED:

That the petitioner states she is the owner of lots No. 46, 47 and 48, in the village of Waterford and county of Saratoga; that in consequence of the [erection of the dam across the Hudson river, north of the city of Troy, lot No. 46 has been entirely washed away; that more than one-half of lot No. 47 is gone, together with a part of lot No. 48. And in order to save the remainder of said lots, the petitioner has been at the expense of \$200 or rising, in erecting a dock, which she alleges will require considerable more expenditures upon it, to render it perfectly safe and permanent.

The committee are satisfied with the truth of the facts, and ask leave to bring in a bill providing for her relief.

No. 181.

IN ASSEMBLY,

January 30, 1834.

ANNUAL REPORT

**Of Samuel Satterlee, Jr. Measurer-General of Grain
in the city of New-York.**

Pursuant to the tenth section of the act regulating the measuring of grain in the city of New-York, passed April 14th, 1832, the Measurer-General respectfully submits to the Honorable the Legislature, the above report, embracing the number of bushels of grain of different kinds, measured under his superintendence, in each month during the year, ending on the 31st day of December last, the average price as near as can be ascertained, from what place shipped, and to what place exported, together with the amount of fees received by himself and each measurer employed.

SAMUEL SATTERLEE, JUN.

Measurer-General of Grain.

New-York, January 27th 1834.

[Assem. No. 181.]

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[Ässem. No. 181.]

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RECAPITULATION.

[Assem. No. 181.]

	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Dutchess county,.....	14,509½	31,792	104,340½	327,616	450	824½
Westchester county,.....	1,473	6,934
Orange county,.....	7,438½	22,370	867
Ulster county,.....	4,263½	10,269	8,521	1,118
Greene county,.....	18,383	9,361	77,981½	15,542
Columbia county,.....	31,047½	52,030½	269,978	116	368
Albany county,.....	11,205	50,680	6,879½	69,486	113,090	27,963½
Rensselaer county,.....	78,690½	110,516½	57,329	23,568	1,797	3,324
Saratoga county,.....	40,444	19,380	8,354	1,663
Montgomery county,.....	846½	641½	14,495½	5,386
Oneida county,.....	2,856	3,240	1,567½	750
Seneca county,.....	5,319	483
Cayuga county,.....	8,067
Ontario county,.....	3,460	1,039
Western canal, places not reported,.....	16,208½	1,353	1,259½	5,469
Long Island,.....	17,780½	1,508	17,731	1,146	2,179
Staten Island,.....	1,861	475½	5,532½
New-Jersey,.....	1,670	34,268½	158,175½	1,604
Delaware,.....	22,086
Maryland,.....	28,513½	31	171,358½	8,444
Virginia,.....	98,977½	68,075½	48,356½
North Carolina,.....	33,919½	75,208½	2,975
District Columbia,.....	6,118½

RECAPITULATION—Continued.

	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Pennsylvania,	11,545	5,924	
Constantinople,	7,010	
Odessa,		
Connecticut,	606	13,377	40,238		
South, places not reported,	6,462	7,317½	372½		
Store,	5,672	9,372	7,691½	4,931½	751½
	376,062	321,721½	833,746	914,774½	164,115½	83,231

Total 2,643,650½ bushels.

WHENCE EXPORTED.

	Month.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Connecticut,	January,...	1,450	1,045
New-Jersey,	756
Long Island,	2,650	2,383	173
Rhode-Island,	420
Massachusetts,	3,349	6,364	950
Fall river,	2,832½
South Carolina,	1,500
Troy,	1,718
Yonkers,	5,071
Nova Scotia,	384	670½
District Columbia,
Connecticut,	February, ..	5,508	5,732	15,890½	2,450	1,090½	1,045
New-Jersey,	1,837	550
Massachusetts,	1,135
Yonkers,	8,011	894
Troy,	6,560½
West Indies,	4,034
Cuba,	2,633
	637½
	4,034	20,814	1,444

WHENCE EXPORTED—Continued.

	Month.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Connecticut,.....	March,.....	509	5,639	1,000	424
New-Jersey,.....
Long Island,.....	1,325	1,239
Massachusetts,.....	2,507	11,534½	6,010
Nova Scotia,.....	683	200
Yonkers,.....	4,938
West Indies,.....	758
Matanzas,.....	2,850
Maderia,.....	3,170½
Lansingburgh,.....	1,000
Pennsylvania,.....	1,575
		683	4,341	30,329	6,010	3,575	424
Connecticut,.....	April,.....	1,206½	3,310	9,986	1,000
New-Jersey,.....
Rhode-Island,.....	130	1,906
Massachusetts,.....	10,695	36,086½	7,221
Long Island,.....	4,597	428
Yonkers,.....	1,783½	6,829
Maderia,.....	4,102
Pennsylvania,.....	3,000
Maine,.....	1,368	4,245	1,025

Marlborough, Vermont,	523	905 4,930
May,	1,206½	22,406½	63,562½	8,221	
Connecticut,	2,034	1,549½	11,251½	960	
Rhode-Island,	370½	4,419	1,357	
Massachusetts,	6,560	28,136½	7,166	
Long Island,	3,775	2,317		
Yonkers,	11,584½		
Fall river,	1,400		
West Indies,	630		
Maine,	1,387		
Marlborough,	381		
Georgia,	2,068		
Dutchess county,	1,200		
Catskill,	1,001		
	3,035	12,255	64,774½	9,483	
June,	1,515½	1,042	6,343	500	
Connecticut,	300	1,001		
Rhode-Island,	1,588	9,557	3,051	
Massachusetts,	6,371½	8,453		
Long Island,	182	2,317		
Nova Scotia,	9,142		
Yonkers,	2,174½		
West-Indies,	200		
Egg Harbor,			

WHENCE EXPORTED—Continued.

Month.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
East-Florida,	260			
Maine,	4,485			
New-Hampshire,	585			
Gaustier,	3,750		
Marlborough,	377	904½			
New-Paltz,	540				
Westchester,	518½	1,141			
Dutchess county,	1,200			
	2,029	10,400½	47,768	7,301		
July,	3,552½	2,001	8,103½			
Connecticut,	315	2,495	471½		
Rhode-Island,	1,035	22,179	2,476		
Massachusetts,	3,132	4,216			
Long Island,	938			
Nova Scotia,	2,817			
Yonkers,	4,832			
Maderia,	801½			
West Indies,	2,741			
Maine,				
Marlborough,	270½				
	3,552½	6,753½	49,123	2,947½		

	August, ...	538	1,317	15,371	1,930
Connecticut,	15,371	1,930
Rhode-Island,	1,958½	700
Massachusetts,	1,650	26,535½	4,292	1,155
District Columbia,	750
Long Island,	5,696	1,561
Nova Scotia,	4,855	2,682	8,175
Yonkers,	3,700
Fall river,	696
South-Carolina,	2,928
Matanzas,	130
Pennsylvania,	3,269
Marlborough,	777½	242½
Maryland,	773
Dutchess county,
Newburgh,	1,100
New-Windsor,	1,785
Eastchester,	870	1,059
		7,562	9,658½	57,011½	9,481	7,010
Connecticut,	September,	8,858	12,807	773
New-Jersey,	500
Rhode-Island,	963½
Long Island,	2,586	6,307½
Yonkers,	10,388½
Fall river,	872
Massachusetts,	607½	20,989½	9,400
Amsterdam,	875

WHENCE EXPORTED—Continued.

	Month.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Maricabo,	5,202	1,192	
Pennsylvania,		20,463½		
Maine,	1,121		
Marlborough,	242½	572½	
Maryland,		
Virginia,		1,114		
Newburgh,		1,150		
New-Windsor,		1,518		
		33,998½	3,193½	58,893½	2,400	1,764½	500
Connecticut,	October, ..	1,979½	3,246	4,581½	466	805	
New-Jersey,		1,077	106			
Rhode-Island,	1,562			
Long Island,		2,901	4,321½	5,734			
Yonkers,	4,843½			
Fall river,	1,000			
Massachusetts,	2,759½	14,242	1,923	1,269	
Cape De Verd,	759½	15,957		
Pennsylvania,		1,109			
Maine,	508			
Marlborough,	406			
Westchester,	1,600			

		November.					December.				
Maryland,
New-Orleans,
Cornwall,	679
Newburgh,	1,286
	9,031½	10,327	36,360½	18,346	7,428	5,354					
Connecticut,	1,591	11,995½	635					
New-Jersey,	1,204	1,429					
Rhode-Island,	138					
Long Island,	8,364½	4,095					
Yonkers,	8,085½					
Massachusetts,	1,511	15,743½	5,666½	1,412					
Cuba,	4,454					
Egg-Harbor,	1,000					
Pennsylvania,	4,534					
Maine,	621					
Maryland,					
New-Rochelle,	748½					
Mamaroneck,	946					
Uncas,	1,096					
Albany,	1,000					
	11,023½	9,675½	47,597½	6,301½	29,332½	751½					
Connecticut,	9,352	856½	753½					
New-Jersey,	596	1,163					
Rhode-Island,					

[Assem. No. 191.]

WHEAT EXPORTED—Continued.

	Mo.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Long Island,	5,202	1,192	
Staten Island,		20,483½		
Nova-Scotia,	1,121		
Yonkers,	242½	572½	
Massachusetts,		
Rye,		1,114		
Egg-Harbor,		1,150		
Pennsylvania,		1,518		
Maine,		
Maryland,		
New Rochelle,		
October, ..		33,998½	3,193½	59,893½	2,400	1,764½	500
		1,979½	3,246	4,581½	466	805	
		1,077	106			
		1,562			
		2,901	4,321½	5,734			
		4,843½			
		1,000			
		2,759½	14,242	1,923	1,269	
		1,109	759½	15,957		
				
		508			
		406			
		1,600			

[illegible]

deducting ^{November,} reported by them.

... General's fees, &c. as

Amount of fees received and due the Measurer-General, \$1,586 19

Expenses, office rent,.....	\$125 00
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“ incurred in enforcing the law, by prosecuting unauthorised measurer’s, &c. defending a suit carried up by the corporation, about	300 00
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425 00

\$1,161 19

WHENCE EXPORTED—Continued.

Month.	Wheat.	Rye.	Corn.	Oats.	Barley.	Malt.
Maricabo,	5,202	1,192	
Pennsylvania,	20,463½		
Maine,	1,121		
Marlborough,	242½	572½	
Maryland,		
Virginia,	1,114		
Newburgh,	1,150		
New-Windsor,	1,518		
	33,998½	3,193½	58,893½	2,400	1,704½	500
October, ..						
Connecticut,	1,979½	3,246	4,581½	466	805	
New-Jersey,	1,077	106			
Rhode-Island,	1,562			
Long Island,	2,901	4,321½	5,734			
Yonkers,	4,843½			
Fall river,	1,000			
Massachusetts,	2,759½	14,242	1,923	1,269	
Cape De Verd,	759½	15,957		
Pennsylvania,	1,109			
Maine,	508			
Marlborough,	406			
Westchester,	1,600			

Maryland,	5,354	
New-Orleans,		
Cornwall,	679		
Newburgh,	1,286		
November,							
Connecticut,	9,031½	10,327	36,380½	18,346	7,428
New-Jersey,	1,591	11,995½	635	
Rhode-Island,	1,204	1,429	1,891
Long Island,	138	
Yonkers,	8,364½	4,095	
Massachusetts,	8,035½	
Cuba,	1,511	15,743½	5,666½	1,412
Egg-Harbor,	4,454	
Pennsylvania,	1,000	
Maine,	4,534	14,240
Maryland,	621	
New-Rochelle,	746½	11,789½
Mamaroneck,	946	
Uncas,	1,066	
Albany,	1,000	
December,							
Connecticut,	11,023½	9,675½	47,597½	6,301½	29,332½
New-Jersey,	9,353	856½	753½
Rhode-Island,	598	1,163	

[Assem. No. 181.]

WHENCE EXPORTED—Continued.

	<i>Month.</i>	<i>Wheat.</i>	<i>Rye.</i>	<i>Corn.</i>	<i>Oats.</i>	<i>Barley.</i>	<i>Malt.</i>
Long Island,	1,000	2,291					
Staten Island,	893						
Nova-Scotia,	3,007						
Yonkers,		4,880			
Massachusetts,	1,609	3,484		6,587½	4,848	2,172	
Rye,	800						
Egg-Harbor,		400			
Pennsylvania,	1,389	691	1,457	
Maine,		545			
Maryland,	1,363	
New Rochelle,	796½						
	9,485½	5,778		22,242½	7,758½	5,744½	

Total amount exported, 852,763½ bushels.

Measurer's Fees.

Samuel W. Disbrow,	\$1,018 38
John Wright,	515 62
William Depew, suspended November 6th,	752 59
Samuel Bleecker, suspended in November,	192 42
Isaac L. Tompkins,	963 07
William Frost, resigned May 8th,	125 08
Joseph Earl,	484 84
Gilbert Jenkins,	828 53
Robert T. Clark,	672 81
John Vredenburgh,	695 93
Ebenezer Briggs,	527 95
Tobias L. Stoutenburgh,	715 96
Lewis Smith,	1,053 28
Samuel Clark,	672 14
Oliver H. Tompkins,	1,100 25
Benjamin N. Disbrow,	756 73
Cornelius Timpson,	527 94
John G. Ketchum,	765 97
Jacob Brinkerhoff,	856 11
Thomas Frost, appointed 18th May,	521 62
Isaac Sayrs, appointed 10th June,	197 37
James Rogers, appointed in November,	35 47
	<hr/>
	\$13,978 06
	<hr/>

N. B. The above is the amount each measurer has received after deducting expenses of striking, Measurer-General's fees, &c. as reported by them.

Amount of fees received and due the Measurer-General, \$1,586 19	
Expenses, office rent,	\$125 00
" incurred in enforcing the law, by prosecuting unauthorised measurer's, &c. defending a suit carried up by the corpora- tion, about	300 00
	<hr/>
	425 00
	<hr/>
	\$1,161 19
	<hr/>

IN ASSEMBLY,
January 17, 1834.

REPORT

Of the committee on claims, on the petition of John Sergeant.

Mr. Ingalls, from the committee on claims, to which was referred the petition of John Sergeant, for a compensation for his services as agent in procuring the removal of the New-York Indians,

REPORTED:

That it appears by the petition of the said John Sergeant, that he has acted as the agent of this State, in the removal of the New-York Indians. The petition is very indefinite: It does not state the time when he received his appointment as an agent, nor the years in which the service was rendered; but the petitioner appeared before the committee in person, and stated that he received his appointment from the late Governor Clinton, about the first of January, 1819, and continued in service four successive years and one month: That the nature of this service was first purchasing a territory near Green Bay, for the location of the Indians; and afterwards escorting them to their lands, and assisting them to establish a colony. He also alleges in his petition, that he has expended about sixteen hundred dollars out of his private funds, in accomplishing this object.

The committee deem it wholly unnecessary to go further into detail in this case, but refer the House to the Senate Journal, session 1829, pages 28, 29, 32, 96, 244, 272, 282, 313, 316.

On the 20th of February, 1828, (see Session Laws 35,) an act was passed, authorising the Comptroller to audit the accounts of John Sergeant for his services to the State in removing the Stock-bridge Indians, on such terms as he should deem just and equitable,

not exceeding one thousand five hundred dollars. This duty was performed by the Comptroller, and Mr. Sergeant was paid by the Comptroller on the 4th day of March, 1828, one thousand five hundred dollars on account of his services. Not satisfied with this, Mr. Sergeant again petitioned the House in 1829, for a further allowance; and a further law was passed on the 29th of April, 1829, (see Session Laws 427,) authorising the Treasurer to pay, upon the warrant of the Comptroller, two thousand dollars to John Sergeant, in full of all claims which he may have against this State, for all services rendered and moneys expended by him as an Indian agent, and for all other claims against this State. The Comptroller paid this money, and took a receipt in these words:

TREASURER'S OFFICE, }
STATE OF NEW-YORK.

Received of Abraham Keyser, Treasurer of the State of New-York, two thousand dollars, in full of all claims which I have against the said State of New-York, for all services rendered and monies expended by me as an Indian agent, and for all other claims whatever against the said State.

Signed,

JOHN SERGEANT.

Dated Albany, 29th April, 1829.

Your committee are of opinion that the receipt ought to be conclusive upon the petitioner. The claim is one altogether unliquidated in its nature, resting altogether in opinion as to the value of the petitioner's service; and if the principal is once adopted that a settlement is never to be conclusive upon a claim against the State, I can see no end of a claim of this description. As long as the claimant sees fit to present it, it will be the subject of legislation. And if this rule is adopted in this case, we set a precedent for all cases of the like description. We say to all claimants against the State, although you have discharged your claim, still this will not stop you from resuscitating it again at the next Legislature; and as men are rarely satisfied with what they receive from the Legislature, you encourage them in thronging the Capitol with State claims, as long as they perceive the least hope of success. Your committee are therefore of opinion that the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,

February 13, 1834.

MEMORIAL

**Of a convention of delegates of the several towns of
Bushwick, Flatbush, New Utrecht, Gravesend and
Flatlands, in the county of Kings.**

To the Honorable the Legislature of the State of New-York.

The memorial of a convention of delegates of the several towns of Bushwick, Flatbush, New Utrecht, Gravesend and Flatlands, in the county of Kings,

RESPECTFULLY SHEWETH:

That the inhabitants of the several towns of which your memorialists are the immediate representatives, felt it their imperious duty to effect a concert of action in relation to the numerous notices which appeared in the public newspapers of intended applications to the Legislature of this State, on the part of the town and village of Brooklyn. Many of these notices appeared to extend to and embrace subjects materially affecting the usages and statute regulations of the county of Kings at large, and to introduce novel principles in its future government, calculated, as your memorialists believe, to interrupt the harmony and good feeling which had hitherto existed. The most prominent of these notices related to the passage of an act, allowing a salary to the first judge of the county, and to authorize him to hold the court of common pleas; to an act to incorporate a city, to be called the city of Brooklyn, and to include all the territory comprised within the limits of the present town and village of Brooklyn; to an act to incorporate the town of Brooklyn into a county, under a city government, including within the same such part or parts of the present county of Kings as the Legislature might deem advisable, or such other separation, or division, or modification of the law, in relation to the

[Assem. No. 183.] 1

said county and its board of supervisors, as would secure to the town of Brooklyn a just representation in said board; and to ^{an} act for an amendment of the act for the erection of a court-house and jail in the county of Kings.

The subjects embraced in the notices alluded to, induced some of the inhabitants of Flatbush, New Utrecht, Gravesend and Flatlands, to hold a public meeting on the 7th day of December, 1833, at the house of Simon Voris, in Flatbush, at which meeting John C. Vandever, Esquire, was called to the chair, and John A. Lott appointed secretary.

The meeting being thus organized, it was resolved, that it be recommended to the inhabitants of the towns of Bushwick, Flatbush, New-Utrecht, Gravesend and Flatlands, respectively to appoint a committee of seven persons in their respective towns, as delegates, to meet in a convention to be held at the house of Simon Voris, in Flatbush, on Saturday, the 21st day of December, 1833, to take into consideration and adopt such measures as might be necessary and proper to protect the interests of the county of Kings, and particularly of said towns, against the effects of any applications to be made to the Legislature of this State, affecting their rights, by Brooklyn and Williamsburgh; and also it was further resolved, that it be recommended to the supervisors of Bushwick, Flatbush, New-Utrecht, Gravesend and Flatlands, respectively, to call a meeting of their respective towns on Saturday, the 14th day of December, 1833, to appoint such committee.

A convention of delegates from the towns of Flatbush, New-Utrecht, Gravesend and Flatlands, was accordingly held at the house of Simon Voris, in Flatbush, on the 21st day of December, 1833, in pursuance of a recommendation of a previous meeting held at the same place, when the following persons produced their credentials and took their seats, viz: Jeremiah Van Brunt, William Brown, Nicholas R. Van Brunt, John Brown, James Cropsey, Tunis G. Bergen and Nicholas Cowenhoven, from the town of New-Utrecht; John Terhune, Nicholas Stillwell, Samuel G. Stryker, John Van Dyck, Nicholas Johnson, Rutger I. Stillwell and Stephen L. Voorhees, from the town of Gravesend; John Williamson, Elias Hubbard, Gerrit Kouwenhoven, Rem Hegeman, Jeremiah Rider, Abraham Terhune and Abraham Wyckoff, from the town of Flatlands; John Wyckoff, Stephen V. Stoothoff, Cornelius

Duryee, Jeremiah Lott, and John A. Lott, from the town of Flatbush. The convention being thus assembled, Mr. Abraham Terhune was called to the chair, and John A. Lott, and Tunis G. Bergen, appointed secretaries.

Whereupon the following preamble and resolutions were unanimously adopted, viz:—

Whereas, notices have been published of intended applications to the Legislature of this State, at their ensuing session, emanating from the villages of Brooklyn and Williamsburgh, for objects, some of which, in the opinion of this meeting, materially affect the interest of other sections of the county, therefore

Resolved, That it is deemed expedient and necessary that some measures should be adopted by this convention to protect, if possible, the other sections of the county against any infringement or violation of their rights.

Resolved, That while on the one hand we entertain a deep interest in the prosperity of the villages of Brooklyn and Williamsburgh, and feel highly gratified at their progress in improvement, and will heartily co-operate with them, so far as can be done consistently with the interests of the rest of the county, so on the other hand, a due and proper regard for the rights and prosperity of other sections of the county imperiously require that an effort should be made to defeat some of the objects sought to be obtained by them.

Resolved, That an increase of representation in the board of supervisors from Brooklyn, particularly to the extent claimed by them, is, in the opinion of this convention, uncalled for, and calculated to impair the rights of other sections of the county.

Resolved, That in the opinion of this convention, the imputation sought to be cast upon the board of supervisors, by a notice published in the Long Island Star, and Brooklyn Advocate, and Nassau Gazette, and signed by the supervisor of Brooklyn, is without foundation; that on the contrary, the course pursued by the board is not only highly creditable to themselves, and beneficial to the interests of the county at large, but that a different course would have been inconsistent with their duty.

Resolved, That in the opinion of this convention, all expenses incurred, or to be incurred in the support of the police regulations

of Brooklyn and Williamsburgh, and particularly of courts created, and officers appointed, and cells erected under their respective acts of incorporation ought to be borne exclusively by the corporation, or corporations, where they are incurred.

Resolved, That in the opinion of this convention, some modification of the manner of selecting jurors for the different county courts, ought to be effected, and is called for by the agricultural interests of the county.

Resolved, That it is, in the opinion of this convention, inexpedient and unnecessary, to allow the first judge of the county a salary.

Resolved, That a committee of three persons from each town represented in this convention, be appointed to confer with a committee or committees, that are or may be appointed from the village or town of Brooklyn, and the village of Williamsburgh, in relation to any intended applications to the Legislature at their ensuing session, and be invested with full power to reconcile and settle, if possible, any conflicting interests that may exist between them and the other sections of the county: And thereupon the following persons were appointed such committee; that is to say: John Wyckoff, Jeremiah Lott, and John A. Lott, of the town of Flatbush; Nicholas R. Van Brunt, Tunis G. Bergen, and Nicholas Couwenhoven, of the town of New Utrecht; John Terhune, John Van Dyke, and Samuel G. Stryker, of the town of Gravesend; and Elias Hubbard, Abraham Wyckoff, and Garret Kouwenhoven, of the town of Flatlands.

Resolved, That the chairman of this meeting be authorized to reconvene this convention, at such time and place, as he may deem proper and necessary, or when requested to do so by any of the above committee.

Resolved, That a copy of the foregoing resolutions be forwarded to the chairman of the committee of the town of Brooklyn; and also to the president and trustees of the villages of Brooklyn and Williamsburgh respectively.

Pursuant to the proposition contained in one of the above resolutions, the committees of the town and village of Brooklyn requested an interview with the committee appointed by the conven-

tion, who on the sixth and thirteenth days of January, 1834, assembled in conference at the Apprentices' Library, in the village of Brooklyn. In the commencement of the deliberations, the committee of the town of Brooklyn informed the committee appointed by the convention, that their powers solely extended to the incorporation of the village and town of Brooklyn under the form of a city government; that no other matter could be introduced or brought within the scope of the conference; that all discussion should be particularly directed to that point; that a bill had been carefully drawn up and prepared by them, entitled "An act to incorporate the city of Brooklyn;" that this bill had passed the house of Assembly of this State with little or no alterations, during the last session, but was lost in the Senate; that it would again be presented to the Legislature for enactment during the present session; and that it was incumbent on the committee appointed by the convention explicitly to state their objections to the provisions contained in the proposed bill, and that they were ready to hear them.

The committee appointed by the convention, being thus required to state their objections to the proposed city charter, or to such parts thereof as they might deem proper, requested the attention of the conference to the provision contained in the latter part of the 10th section of the proposed bill, which is in these words: "They (the assessors) shall complete their assessment rolls on or before the first day of July, and deliver them, on or before the first day of August in each year to the city supervisors, to be elected in pursuance of the subsequent provisions of this act. The said city supervisors may equalize, alter and correct the said assessment rolls, as they may for any reason think proper, and shall deliver the same within fifteen days after they shall have received them to the board of supervisors of the county, who shall issue warrants to the collectors on or before the first Tuesday of September in each year."

A mere cursory examination of that part of the section thus recited must satisfy every candid observer that its provisions are at once at variance with the fundamental principles of the act for the assessment and collection of taxes. According to the provisions of the existing law, the board of supervisors of each county in the State have the power to examine the assessment rolls of the several towns in their county, for the purpose of ascertaining whether

the valuations in one town or ward bear a just relation to the valuations in all the towns and wards in the county; and they may increase or diminish the aggregate valuations of real estates in any town or ward, by adding or deducting such a per centum, as may, in their discretion, be necessary to produce a just relation between all the valuations of real estate in the county; but they shall, in no instance, reduce the aggregate valuations of all the towns and wards below the aggregate valuation thereof, as made by the assessors.

In the section under consideration, the city supervisors have the absolute control over all the assessment rolls made out and returned by the city assessors, both of real and personal estates; a power which the Legislature has never delegated to any supervisory body whatsoever; and if delegated, could not be carried into practical effect so far forth as the same relates to personal property. The dangerous and unequal tendency of the provisions of this section does not even stop here. After the city assessment rolls have been equalized, altered and corrected by the city supervisors, for any reason they may think proper, they are to be delivered to the board of supervisors of the county, who are required, without further examination, to issue warrants to the collectors. The city supervisors, according to the subsequent provisions of the bill, will constitute a majority of supervisors in the county board, and will have a concurrent power with the supervisors of the other towns to revise and correct the assessment rolls of those towns, while the city assessments will be entirely exempted from the like revision and correction. In every point of view, the city will thus possess and hold a controlling power over the property and possessions of the county at large—a power by no means reciprocal, and may be converted into an engine of oppression which many may have reason to deprecate.

The 12th section of the proposed bill is still more objectionable. By it, the mayor of the city is to be ex-officio a supervisor thereof; the first five wards are jointly to elect three, and the sixth and seventh wards are each to elect one supervisor, who shall, for all purposes, compose part of the board of supervisors of the county of Kings. The city will thus be entitled to six supervisors, or a majority in the board of county supervisors, while the other towns will only be represented by one supervisor each, making but five in the aggregate. An increased representation in the board of su-

supervisors of the county for the town or city of Brooklyn alone, to the extent demanded, appears to be a claim altogether novel in its character, and contrary to the municipal regulations of the several towns in this State, as now established by law.

The city of Hudson was incorporated in March, 1790, and was authorised to elect one supervisor, and was considered as a town for such purpose in the county of Columbia. The city of Schenectady obtained a charter in April, 1801, and by it was then entitled to one supervisor. Troy obtained a city charter in April, 1816, and elected one supervisor. Utica was organized under a city government in February, 1832, and appears to be entitled to but one supervisor.

The election of one supervisor for every town, and the formation of a board of supervisors for every county from the number so elected, is a local organization, to which all have been accustomed to look up with veneration and respect. It is deemed a regulation of the most salutary character; one that has always met with universal approbation, and more congenial to the feelings and wishes of the people of this State than any other that could be devised. It is a system so completely incorporated with numerous provisions contained in our statute law, that it would be hazardous, if not presumptuous, to break in upon and destroy it by any theoretical innovation. The duties of the board of supervisors are clearly marked out and explicitly defined by law, so that they cannot exercise any authority which is not expressly given to them by some statute of this State. Abuses, therefore, can no more arise from our present system of supervisorship than from the organization of our superior courts of law. If once the principle of representation in proportion to population is admitted as the basis of forming a board of supervisors for the county of Kings, it is evident that other towns would have proportionate claims with Brooklyn. Bushwick, Flatbush and New-Utrecht, would all be entitled to an increased number of supervisors over Flatlands and Gravesend. The board of supervisors would thus be rendered a large and unwieldy body, illy calculated for the despatch of business, and their compensation would form a heavy item of annual expenditure, without producing any beneficial effects whatsoever.

The 33d section of the proposed bill is also objected to. By this section the mayor of the city, by virtue of his office, is to possess

and exercise the same powers in the courts of oyer and terminer and general sessions of the peace in the county of Kings, as are by law exercised by either of the judges of the county courts. This provision virtually makes a sixth county judge of the mayor, who is altogether a local officer, and appointed for local purposes only.

The municipal court, as organized by the act entitled "An act to reduce the law incorporating the village of Brooklyn, and the several acts amendatory thereof, into one act, and to amend the same," passed April 3, 1827, and by all subsequent acts and parts of acts relating to the said court, or the justices thereof, is preserved entire by the 101st section of the proposed bill, with enlarged powers conferred upon it by the 102d and 103d sections. The organization of this court by the act above mentioned, and the acts amendatory thereto, was intended for village purposes only, and not to affect the rights and interests of the other sections of the county of Kings. The municipal justices are designed to be local officers with peculiar local jurisdiction, and created for local action only. They possess a power to the exclusion of all other magistrates to hear, try and determine actions cognizable before a single justice of the peace within the limits of the village, with the additional power of hearing, trying and determining like actions, wherein the sum or thing demanded shall not exceed the value of one hundred dollars. It will therefore appear that the Legislature have invested the justices of the municipal court with the same powers, that a justice of the peace possesses; that is, so far forth as those powers may be applicable to the discharge of their local duties in the municipal court, but certainly not for exercise beyond the village limits. The whole act of the village charter, is one of village organization, and all its provisions, however general in terms, are to be referred to that design, and to the local interests connected with it. This will appear the more manifest, when it is considered, that the clerk of the municipal court is required under oath to render a true and faithful account of all fees received by him, and to make payment thereof every three months to the treasurer of the board of trustees for the use of the village, and that the justices and clerk of the court shall respectively receive an annual salary to be allowed by the board of trustees, and to be paid quarterly by the treasurer of the board.

The powers of the justices of the municipal court with respect to criminal jurisdiction are still more limited and circumscribed than their civil authority. It is true the village act declares them "invested with all and singular *the powers* of justices of the peace of the county of Kings." But how? Not as justices of the peace of the county of Kings, but as justices of the municipal court. A fair construction of the statutè seems to be that they are not justices of the peace. To which it might be added, that if the Legislature had even intended by statute, to make them justices of the peace, the thing was impossible. Justices of the peace are officers that must be appointed by popular election. The Constitution so expressly declares. It therefore follows, that if the municipal justices have criminal jurisdiction at all, it must be confined in its exercises within the village limits.

By carefully examining the charter of the village of Brooklyn, it must be apparent, that the above exposition of the powers and jurisdiction of the municipal court is the only feasible construction. If the municipal justices, and the marshals of the village, who are also officers created by the village charter, had confined themselves in the execution of their powers within the village limits, the people in the other sections of the county would have no cause to complain. But those officers have given a broader construction of the powers delegated to them under the village act. Under this construction they have issued and served process throughout almost every part of the county; and residents of the agricultural towns have been frequently brought and tried before the municipal court and village jurors, and required to pay exorbitant fees, and nearly double to what they would have been subjected to in the ordinary justices courts. This has been the case, more especially, since the board of trustees allowed the municipal justices and clerk to receive their fees in lieu of salary, contrary to the provisions of the village act, and which the board are required to pay. And it appears that it is intended to render this innovation and change permanent by the 102d section of the proposed bill, which declares that the fees to be received in suits brought in the municipal court shall be divided equally between the justices and clerk thereof.

Under this view of the case, it was proposed by the committee, on the part of the convention, to confine the jurisdiction of the municipal court both in civil and criminal matters within the limits

of the city of Brooklyn. If Brooklyn was desirous to retain this court, such an arrangement would accommodate them, and the other parts of the county would thus have no cause of complaint; because the ordinary courts as now established by law are amply sufficient for the advancement of justice and the protection of public and private rights.

These prominent points of objection, together with others of minor consideration against the proposed city charter, were laid before the conference by the committee on the part of the convention, and formed the basis of a protracted discussion, which was continued for two days. In the course of the deliberations the force and propriety of the objections were virtually admitted and felt by the committee on the part of Brooklyn. Frequent concessions were made by the members of the Brooklyn committee, that in their individual capacity they would willingly consent to certain modifications of the objectional sections of the proposed bill, to meet the views of the committee on the part of the convention, but by the limitation of their powers, they were not authorised to consent to any alterations or amendments. The bill as prepared must be sent to the Legislature, and if alterations or amendments were required they must be effected before the Legislature, or before a committee of that body. The labors of the conference, being thus broken off, without accomplishing any measures of reconciliation or concession, no other grounds were left for the convention, but an appeal to the justice and magnanimity of the Legislature.

The convention, in order to adopt such measures as in this alternative were rendered necessary for the protection of the rights of the county, re-convened on the 18th day of January, 1834, when in addition to the members who appeared at the former meeting, David Johnson and Simon Rapelye, of the town of Flatbush; and Joseph Conselyea, John Morrell, James Ainslie, and John Skillman, of the town of Bushwick, appeared and took their seats.

After the convention had adopted the report of their committee, stating the result of the conference with the committee of the town and village of Brooklyn, the following resolutions, among others, were adopted, viz:—

Resolved, As the sense of this convention, that the provisions of sections 10, 12, 30, 33, 34, 36, 38, 92, 100, 101, 102, and 103 of

the proposed bill, entitled "An act to incorporate the city of Brooklyn," materially affect the interests and infringe upon the rights and privileges of the other sections of the county.

Resolved, That a memorial to the Legislature be prepared remonstrating against the provisions of the sections above mentioned, and signed by the chairman and secretaries of the convention.

Resolved, That a delegate be sent by this convention to Albany, to represent the views of this convention to the Legislature, and to adopt such measures as he may find necessary, to protect the towns represented in this convention against any infringement of their rights and privileges by Brooklyn.

Resolved, That John Wyckoff, Esquire, be appointed such delegate.

Your memorialists would again beg leave to call the particular attention of your honorable body, to the extraordinary number of supervisors authorized to be elected or appointed in Brooklyn by the proposed bill. This they view to be an innovation, which will vitally affect the best interests of the several towns represented in this convention, and subject them to the controlling influence of Brooklyn, without producing any corresponding benefits. They might enlarge and state other and further arguments against the propriety of the proposed partial increase of supervisors, but deem it unnecessary, inasmuch as your honorable body possess more information on the subject than your memorialists can impart. They therefore hope that your honorable body will forbear to legislate upon this singular application, which if carried into effect to the extent demanded, would prove highly injurious to the towns of which your memorialists are the immediate representatives.

Your memorialists would also beg leave to call your particular attention to the 92d section of the proposed bill, which authorizes the board of health of Brooklyn to remove non-resident persons sick of malignant fever or cholera to the county hospital, which can mean no other than the county poor-house, and thus spread pestilential or infectious diseases amongst the unfortunate inmates of that establishment.

Your memorialists further represent, that the proposed city charter in many of its provisions, is commingled too much with the

general concerns of the county. If the town and village of Brooklyn desire a city form of government, and anticipate to derive advantages from the measure, they ought solely to bear the burthens growing out of it. Your memorialists feel no disposition to retard the growing prosperity of Brooklyn, and are willing to unite in any plans calculated to be reciprocal in their effects. However, they conceive, that all conflicting interests, which necessarily grow out of city and county organizations, ought to be reconciled and settled upon just and equitable principles, and that the powers and liabilities of each ought to be clearly marked out and defined by salutary legislative enactments.

Your memorialists therefore pray, that your honorable body will be pleased carefully to inquire into the several subjects above detailed or referred to, and that you will grant such relief in the premises as the justice of their case so imperiously demands.

And as in duty bound shall ever pray.

Signed by order of the committee.

ABRAHAM TERHUNE,

Chairman.

JOHN A. LOTT,

TUNIS G. BERGEN,

Secretaries.

Kings county, January 18th, 1834.

IN ASSEMBLY,

February 4, 1834.

ANNUAL REPORT

**Of John Brace, an Inspector of Beef and Pork for
the county of Monroe.**

*To the Honorable the Legislature of the State of New-York, in Se-
nate and Assembly convened :*

I, John Brace, do hereby certify and report, that the following
is a true statement of provisions inspected by me during the year
1833, together with the fees derived therefrom and the probable
value thereof.

140 barrels mess pork, valued at \$13,	\$1,820 00
214 " prime pork, " 10,	2,140 00
6 " mess beef " 6,	36 00
<hr/> 360 barrels.	<hr/> \$3,996 00

My fees for inspecting 360 barrels at 15 cents,	\$54 00
" trimming and pickling,	36 00
	<hr/> \$90 00

JOHN BRACE,

Inspector of Beef and Pork.

*Inspector's office, Bushnell's Basin,
Monroe county, January 1, 1834.*

No. 185.

IN ASSEMBLY,

February 13, 1834.

REPORT

Of the committee on the manufacture of salt, on the report of the Superintendent of Salt Springs in the county of Onondaga.

Mr. Strong, from the committee on the manufacture of salt, to whom was referred the report of the Superintendent of Salt Springs in the county of Onondaga,

REPORTED:

That they have had the same under consideration, and have examined the same in relation to the matters requiring legislative provision, as referred to in the report of the said Superintendent, and have prepared a bill thereon, and directed their chairman to ask leave to introduce the same.

[Assem. No. 185.]

1

IN ASSEMBLY,
February 3, 1834.

ANNUAL REPORT

**Of Henry Strang, an Inspector of Beef and Pork in
the county of Westchester.**

To the Honorable the Legislature of the State of New-York.

I, Henry Strang, inspector of beef and pork in the town of Rye, county of Westchester, do hereby certify, that the number of barrels of provisions stated below, is the quality and quantity inspected by me since the first day of February, 1833, up to the present time, viz:

103 barrels of mess pork.

141 barrels of prime pork.

Inspection fees at 15 cents per barrel, \$36 60

In the country, it is the practice where the inspector has to go to the places where the pork is, that the owner finds all the hands and pays the coopering, pickling, &c. and the inspector has only his fees per barrel, fifteen cents, but all done under his inspection.

HENRY STRANG.

January 28, 1834.

IN ASSEMBLY,

February 17, 1834.

REPORT

Of the select committee on the petition to raise money for the support of roads and bridges in Saratoga Springs.

Mr. Marvin, from the select committee to which was referred the petition of the commissioners of highways and other inhabitants of Saratoga Springs, for a law to raise an additional sum of money for the support of roads and bridges in the said town,

REPORTED:

That the several towns in this State are now authorised to raise annually a sum not exceeding \$250, for the support of roads and bridges.

That it appears from the petition, that the said town of Saratoga Springs is so situated, that \$250 annually is wholly inadequate for that purpose, that it is now in debt for the construction of bridges between three and four hundred dollars, and that the commissioners of highways have made other contracts to the amount of several hundred more; and that besides these expenditures, it is necessary that the sum of \$500, should be annually appropriated for the same purpose during the next two years.

It is understood that the inhabitants are united in this application, and the committee have therefore prepared a bill, which they beg leave to introduce.

IN ASSEMBLY,

February 18, 1834.

REPORT

**Of the committee on the judiciary, on the petition of
Joseph Clary.**

Mr. Haight, from the committee on the judiciary, to which was referred the petition of Joseph Clary, praying for a law authorising payment to him for services as attorney and counsel of this State, in an ejectment suit brought for the benefit of the State: also for payment to Job Bestow, for services rendered by him and cash advanced in the progress of the said suit,

REPORTED:

That it appears, by the affidavit of the petitioner, that an ejectment suit was commenced by him, in the year 1817, in the name of the people for the purpose of recovering possession of a lot of land in Williamsville, in the county of Erie, which had previous to that time been sold by this State to one Job Bestow, and a certificate of sale issued to him: that said suit was commenced by the direction of Samuel A. Talcott, then Attorney-General of this State, as appears to your committee from letters written to the petitioner by the said Samuel A. Talcott, Esq., and which are annexed to the petition: that said suit was tried in the county of Erie, and a verdict rendered in favor of the people, and a case made by the defendant, which was noticed once for argument before the supreme court. The defendant in the suit, before the argument of the cause, died, and Bestow, the purchaser from the State, soon thereafter obtained possession of the lot, and still holds the possession, and has paid to the State the full amount of the consideration money on the sale of the lot, with the interest thereon.

[Assem. No. 189.]

It also appears to your committee that the petitioner employed a person as counsel to assist him on the trial of the cause; and that all the proceedings in the suit have been carried on by the petitioner: that the said Bestow has expended the sum of \$12.13 in money, for the purpose of obtaining witnesses on the said trial, and claims the sum of five dollars for his services in procuring the attendance of witnesses, and services rendered on said trial.

From the above facts your committee are of the opinion that the petitioner is entitled to pay for his services as attorney and counsel in the said suit; and that the said Job Bestow is also entitled to the amount claimed by him as aforesaid.

In conformity with the above views, your committee have prepared a bill, and have directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

February 17, 1834.

REPORT

Of the committee on the militia and the public defence, on the bill entitled "An act to exempt certain persons therein mentioned from the performance of military duty."

Mr. Ruggles, from the committee on the militia and the public defence, to which was referred the bill entitled "An act to exempt certain persons therein mentioned from the performance of military duty."

REPORTED:

That the said bill proposes to exempt from duty all persons employed in any nail factory, roll or slitting mill, or other iron works.

The committee were much surprized at the introduction of this bill, so immediately after a decision of the House adverse to the principle here attempted to be introduced: the committee, however, have bestowed upon it that attention which the subject demands, and after mature deliberation, which has brought them to a full conviction that there is no good reason why the persons above named should be exempted from military duty which does not apply to hundreds of others, with equal, if not greater force: they are unanimously of opinion that the said bill ought not to become a law.

**IN ASSEMBLY,
February 19, 1834.**

REPORT

Of the committee on claims, on the petition of Wessel Ten Broeck.

Mr. Cuykendall, from the committee on claims, to which was referred the petition of Wessel Ten Broeck, praying for relief for labor done on the turnpike road leading from Burlington to Ithaca,

REPORTED:

The petitioner sets forth, that he made application to the Legislature of this State, during the last session thereof, for relief; that his petition was then referred to a committee, who reported, "that in their opinion, there was no legal or moral obligation resting upon the State to remunerate the petitioner for services rendered the turnpike company;" and that, "from the brief representations made by the petitioner, the said committee inferred that the grant had been abandoned by the company, or that their corporate powers had ceased by 'non-user,' in consequence of which the town authorities had adopted the route, and appropriated the road to public use." The said committee, therefore, reported adverse to the claim of the petitioner.

The petitioner assumes the premises, that whatever was done by the town authorities in appropriating to public use the road on which the labor of the petitioner was bestowed, was so appropriated by the State, and in conformity with its laws, and consequently the State has taken for public use the improvements made by the petitioner, and for which he now asks to be remunerated.

Your committee, after duly considering the nature of the petitioner's claim, have arrived to the conclusion, that the petitioner

has no legal or moral claim against the State for services rendered or labor performed for the benefit of said turnpike company, therefore his prayer ought not to be granted.

Your committee ask leave to introduce the following resolution:

Resolved, That the prayer of the petitioner, Wessel Ten Broeck, ought not to be granted.

IN ASSEMBLY,
January 30, 1834.

REPORT

**Of the committee on the judiciary, on the petition of
Daniel Van Horne.**

Mr. Clary, from the committee on the judiciary, to which was referred the petition of Daniel Van Horne, praying for a law authorising the late under-sheriff of the county of Niagara to convey a certain piece of land to the petitioner,

REPORTED:

That it appears from the statement of the petitioner, that on the 15th day of June, 1827, he became the purchaser of a piece of land in the county of Niagara, at a sheriff's sale, under and by virtue of a fieri facias, Eli Bruce then being sheriff of the said county of Niagara. That a certificate was issued to him, but no deed has ever been made pursuant to the said certificate, nor was the land ever redeemed by the defendant in the execution, or by any other person.

The petitioner further states, that Eli Bruce was, subsequent to the aforesaid sale, removed from the office of sheriff by the Governor of this State, for mal-conduct, and is now dead; and prays for a law authorising Stephen B. Bond, the under-sheriff of Bruce, to execute to the petitioner a deed of the premises described in the said certificate.

The petitioner has annexed to his petition an exemplified copy of the certificate given to him on the sale; and on examination of the same, your committee are induced to believe that the execution on which the land was sold was delivered to one Samuel Pierce, and the sale made by him. They have formed this opinion from the fact that the certificate is signed "Eli Bruce, Sh'ff;" "Samuel Pierce, Dep'y."

[Assem. No. 193.]

By reference to the law on this subject, it appears to be well settled, that upon a sale of land by a *deputy* of the sheriff, the person making such sale is authorised to execute the deed to the purchaser, notwithstanding the death or other disability of the sheriff.

Your committee are therefore of the opinion that the deputy sheriff of Eli Bruce, who made the sale, is fully authorised by the existing law of the land to convey the premises described in the certificate to the petitioner, and that no further or other law is necessary for that purpose. Your committee are therefore of the opinion that the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,

February 4, 1834.

ANNUAL REPORT

Of Peter Conrey, an Inspector of Lumber in the
city of New-York.

To the Honorable the Legislature of the State of New-York.

Returns of lumber inspected and measured by Peter Conrey,
from the first January, 1833, to the first January, 1834.

<i>Feet.</i>		<i>Fees.</i>
766,050 mahogany, .. sold from 8 cents to \$1.50 cents,		\$766 05
78,217 Spanish cedar,..... sold from 6 to 9 cents,		78 21
265,868 spruce and pine timber,. sold from \$14 to \$16,		66 49
45,153 pine boards, sold from \$12 to \$14 per M.		11 25
15,687 chestnut scantling, " 15 to 16 "		4 00
10,650 oak plank,..... " 18 to 20 "		4 00
3,144 curled and plain maple, 20 to 30 "		1 50
560 satin wood, 20 cents per foot,		0 56
11,760 cypress shingles,..... at \$3 per M.		2 10
1,282 whitewood boards, at 20 "		0 30
Total fees,.....		<u>\$934 46</u>

PETER CONREY,
Inspector.

New-York, January 31st, 1834.

IN ASSEMBLY,
February 6, 1834.

ANNUAL REPORT

**Of Isaac Ingersoll, Inspector of Beef and Pork for
the county of Madison.**

To the Honorable the Legislature of the State of New-York.

Returns of pork inspected by Isaac Ingersoll, for the year 1833,
in the county of Madison and State of New-York.

1,156 barrels prime pork, at \$10,	\$11,560 00
469 barrels mess pork, at \$14,	6,566 00
	<hr/>
	\$18,126 00

Fees 27 cents per barrel, 1,625 barrels, .. \$438 75

I. INGERSOLL,

Inspector of Beef and Pork.

Cazenovia, February 3d, 1834.

No. 196.

IN ASSEMBLY,
February 4, 1834.

ANNUAL REPORT

**Of N. Wilson, Inspector of Beef and Pork for the
county of Greene.**

To the Honorable the Legislature of the State of New-York.

Report of the inspector of beef and pork of the county of
Greene, for the year 1833.

Inspected 3,766 barrels prime beef.

908 " mess beef.

115 " thin beef.

4,789 barrels.

Fees,..... \$718 35

Deduct expenses, 239 45

Nett receipts,..... \$478 90

N. WILSON.

Catskill, January 27, 1834.

[Assem. No. 196.]

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IN ASSEMBLY,
February 4, 1834.

ANNUAL REPORT

**Of John I. Morris, an Inspector of Lumber in the
city of New-York.**

The Hon. WILLIAM BAKER,
Speaker of the Assembly.

SIR—

In pursuance of the several acts of the Legislature of this State, I have the honor of transmitting to you, for the use of the Legislature, a report, shewing the quantity, quality and value of the lumber inspected by me, as one of the inspectors of lumber in and for the city and county of New-York, for the year immediately preceding the first day of January inst.

I am yours, respectfully,

JOHN I. MORRIS.

New-York, January 21st, 1834.

1,071,272	feet clear boards and plank,	at \$30 per M.
1,721,507	" refuse boards and plank,	12 "
84,380	" maple joist,	18 "
84,884	" ash plank,	16 "
15,000	" pine timber,	14 "
12,374	" cherry boards,	30 "
5,439	" hemlock plank,	10 "
34,718	" bass wood boards,	10 "
188,661	" whitewood boards,	20 "

3,218,235 feet total.

The whole amount of fees after deducting expenses, \$786.00.

IN ASSEMBLY,

January 30, 1834.

REPORT,

Of the Trustees of Union College, for the year 1833.

To the Honorable the Legislature of the State of New-York.

The board of trustees of Union College respectfully report to to the honorable the Legislature of the State of New-York,

That the present faculty consists of the following officers, viz:

ELIPHALET NOTT, D. D., L. L. D., *President.*

ROBERT PROUDFIT, D. D., *Professor of Greek and Latin Languages.*

ALONZO POTTER, A. M., *Professor of Rhetoric and Moral Philosophy.*

BENJAMIN F. JOSLIN, A. M., M. D., *Professor of Natural Philosophy.*

JOHN A. YATES, A. M., *Professor of Oriental Literature.*

ISAAC W. JACKSON, A. M., *Adjunct Professor of Mathematics.*

THOMAS C. REED, A. M., *do do of Intellectual Philosophy.*

CHESTER AVERILL, A. M., *do do of Chemistry and Languages.*

PIERRE A. PROAL, A. M., *Instructor of the French and Spanish Languages.*

JOHN NOTT, A. M., *Tutor.*

EDWARD SAVAGE, A. B.,

ALBERT T. CHESTER, A. B.,

Fellows.

That sixty-nine young gentlemen were admitted to the degree of Bachelor of Arts at the last annual commencement. That the whole number of students for the current year has been two hundred and twenty-five.

[Assem. No. 198.]

That the annual expense of a student in the institution, including board, tuition, and books, is about one hundred and twelve dollars. The terms of admission and the course of studies afterwards pursued, will appear from a printed sheet accompanying this report.

That the Classical Library for the use of students is continued, from which indigent students receive their books gratis. And seventy-three young men have been otherwise assisted during the last year from the fund granted by the State for that purpose.

The thirty-five thousand dollars appropriated to the permanent support of officers, the five thousand dollars for establishing a Classical Library, and the five thousand dollars for aiding indigent youth, arising from the lotteries heretofore granted to Union College, have been and continue invested according to law; which investiture constitutes a permanent fund, amounting to forty-five thousand dollars.

They have only to add, that during the last year the students of the institution have generally prosecuted their studies in a satisfactory manner, and have been exemplary in their conduct.

JONAS HOLLAND,

Treasurer.

January 20, 1834.

Course of studies, laws, &c. of Union College.

COURSE OF STUDIES,

Preparatory for admission into Union College.

Riggs' Latin Grammar, and Farrand's Latin Course.

Selectæ e Vet. Eutropius and Clark's Introduction,

Corns. Nepos, Cæsar's Commentaries.

Virgil, Cicero's Select Orations, Moore's Greek Grammar, Greek Testament, Greek introduction and Græca Minora.

Arithmetic, English Grammar and Geography.

Less attention is paid to the particular books read, than to the amount of knowledge acquired.

COURSE OF STUDIES,

Pursued after admission into Union College.

FRESHMAN CLASS.

First Term.

Cicero de Officiis, de Amicitia, &c.

Horace and Latin Prosody—with *Composition and Declamation.*

Herodotus and Thucydides, *Græca Maj.*

Second Term.

Xenophon's Cyropæa, *Græca Maj.*

Horace, Roman Antiquities.

Livy—with *Composition and Declamation.*

Third Term.

Sallust.

Xenophon's Cyropæa and Anabasis.

Lysias, Isocrates and Demosthenes—with *Composition and Declamation.*

CLASSICAL COURSE.*

SOPHOMORE CLASS.

First Term.

Tacitus' History.

Xenophon Mem. and Plato, *Græca Maj.*

Algebra—(through equations of the second degree)..... *Bourdon.*

Second Term.

Aristotle, Dyonisius and Longinus, *Græca Maj.*

Tacitus, continued.

Plane Geometry, *Legendre.†*

* Either the Classical or Scientific Course, at the choice of the student. † Brewster's translation.

Third Term.

Homer's *Odyssey*, *Græca Maj.*
 Solid Geometry and Plane Trigonometry, *Legendre.**
 Logic.

JUNIOR CLASS.

First Term.

Conic Sections, *West.*
 Hesiod and Sophocles, *Græca Maj.*
 Rhetoric, *Blair.*

Second Term.

Cicero de Oratore.
 Spherical Trigonometry.—Applications of Trigonometry.
 Natural Philosophy, *Farrar's Mechanics.*

Third Term.

Political Economy.
 Medea, &c. *Græca Maj.*
 Natural Philosophy, *Farrar's Mechanics.*

SENIOR CLASS.

First Term.

Intellectual Philosophy, *Stewart or Brown.*
 Lectures on Electricity and Magnetism, and Biot's Optics.
 Elements of Criticism, *Kames.*

Second Term.

Astronomy, *Farrar's Biot.*
 Moral Philosophy, *Paley.*
 Kames and Lectures on Chemistry.

Third Term.

Hebrew.
 Hebrew, with Lectures on Biblical Literature.
 Lectures on Elements of Criticism, Chemistry, Botany and Mineralogy.

SCIENTIFIC COURSE.†

SOPHOMORE CLASS.

First Term.

History, *Tytler.*
 Arithmetic, *Hassler.*
 Algebra—(through equation of the second degree,) *Bourdon.*

Second Term.

History, continued, *Tytler.*
 Natural Theology, *Paley.*
 Plane Geometry, *Legendre.*

* Brewster's translation. † Either the Classical or Scientific Course, at the choice of the student.

Third Term.

Natural History,..... *Ware.*
 Solid Geometry, *Legendre.**
 Logic.

JUNIOR CLASS.

First Term.

Trigonometry and applications,..... *Hassler.*
 Algebra, *Bourdon.*
 Rhetoric,..... *Blair.*

Second Term.

French.

Applications of Trigonometry.—Analytic Geometry of
 two dimensions, *Boucharlat*
 Natural Philosophy,..... *Farrar's Mechanics.*

Third Term.

Differential and Integral Calculus,..... *Boucharlat.*
 Descriptive Geometry, *Davies.*—Analytic Geometry of
 three dimensions,..... *Boucharlat.*
 Natural Philosophy,..... *Farrar's Mechanics.*

SENIOR CLASS.

First Term.

Boucharlat's Mechanics.
 Lectures on Electricity and Magnetism, and Biot's Optics.
 Elements of criticism,..... *Kames.*

Second Term.

Moral Philosophy, *Paley.*
 Astronomy,..... *Farrar's Biot.*
 Kames and Lectures on Chemistry.

Third Term.

Blackstone.

Anatomy and Physiology or Kent.

Lectures on Elements of Criticism, Chemistry, Botany and Mineralogy.

LECTURES DURING THE COURSE ON

Political Economy.
 Intellectual and Moral Philosophy, and the Evidences of Christianity.
 Rhetoric and Oratory.
 Natural Philosophy.

* Brewster's translation.

INFORMATION.

Character.

Candidates are required to furnish evidence of their good moral character, and if from another college, a regular dismissal or letter of request.

Age.

Sixteen years of age are requisite to admission: the candidate enters, however, any class for which he is qualified.

Payment.

There are three terms of study in each year, and the expense of each is paid in advance. Students unless from another college, entering the Sophomore class, pay \$7.00; the Junior \$9.00; and the Senior \$12.00, which is the only retrospective expense incurred by entering in advance.

Guardian.

All moneys intended for the use of students are required to be transmitted to the College Register, who acts as fiscal guardian in their behalf, and transmits to each parent, at the end of every term, a detailed account.

Annual Expense.

College bills, including board in the Hall,	\$98 00
Fuel and light,	8 50
Washing,	6'00
<hr/>	
Total,	\$112 50

Students boarding out of the Hall, and students remaining in vacation, incur an additional expense for board.

The expense for clothing and pocket money, will vary according to the economy of individuals. A student who remains in vacation, may, with *strict* economy, clothe himself and pay all his other bills with less than \$200.00. A student not strictly economical, and who travels in vacation, will require from \$ to \$

CHARITY STUDENTS.

Their Annual Expense.

Board in the Hall,	\$36 00
Wood and light,	6 00
Washing,	6 00
<hr/>	
Total,	\$48 00

Residence.

Rooms are assigned the students in the same edifices that are occupied by the President and Professors, and their respective families.

Instruction.

The Freshman class, for the most part constitutes a department in the academy, and is taught by the principal thereof. The other three classes are divided into Sections, according to attainment, or choice of the studies, and the several Sections are instructed by the President and Professors.

Government.

The government is, for the most part, parental and preventive, and devolves on the President and resident professors. Those students who do not cheerfully submit to it, are silently dismissed. No student is allowed to visit taverns or groceries; to be out of his room at night or to go out of town at any time, without permission; nor is any society allowed to hold its meetings at night.

Exercise.

Gymnastics and other athletic exercises are encouraged, and ample grounds are furnished free of expense, for those who prefer devoting their hours of recreation to agricultural pursuits.

Commencement.

Commencement is on the 4th Wednesday in July; after which there is a vacation of six weeks.

Vacations.

There are two other short vacations, the one sometime in December, the other in April. The Seniors have no additional vacations, nor are there any holydays. It is desirable that students should either return home, or visit their friends during the vacations. And when parents can not provide for this, the faculty should be apprized of it, that provision be made for their instruction and government at college.

Merit Roll.

An accurate and daily account of the delinquencies of every student, and also of the degree of his attainment, in conduct, scholarship and attendance, is kept, and the summing up of these items determines the place of each upon the Merit Roll; a copy of which items is transmitted to the parent.

Examinations.

A committee is annually appointed, who examine the several classes publicly, at the close of each term, and make a written report thereof.

IN ASSEMBLY,

February 20, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of Anthony Rhoades, and others.

The Commissioners of the Land-Office, on the petition of Anthony Rhoades, and others, referred to them by the Honorable the Assembly,

RESPECTFULLY REPORT:

The petitioners pray for remuneration for their improvements on lots 28 and 64, in the Freemason patent, which they hold by titles derived from conveyances made by the Surveyor-General, in pursuance of the laws of the State. As the proceedings in relation to the disposal of these lots are fully detailed in reports heretofore made to the Legislature by the Surveyor-General, the Attorney-General, and committees of the Senate and Assembly, the Commissioners of the Land-Office beg leave to refer to them as the best information they can give on the subject. These are, the Surveyor-General's report, in the Journal of the Assembly of 1826, at page 511, and of the committee of claims, page 560; the report of the Attorney-General, Assembly Journal, 1818, page 101; select committee page 271, and the act chap. 82, passed in the same year; the report of the committee on claims to the Senate, on the petition of Nathan Underwood, Documents of 1830, vol. 4, page 395, and the act passed in pursuance thereof, chap. 264 of 1830. The claims of the present petitioners are urged on the same grounds as that which is stated in the last mentioned report, recommending the act which was passed for the relief of Nathan Underwood. The present petitioners pray for similar relief in respect to the whole of lot No. 28, which was sold in pursuance of the act chap. 82 of

[Assem. No. 199.]

1818, for \$2,981.13. It contained 476 acres, 3 roods and 10 perches. Also subdivisions 2, 8 and 9, of lot No. 64, containing 134 acres and a small fraction, sold for \$872.28.

The petition is accompanied by affidavits to prove that the value of the land, exclusive of the improvements made by them before the original appraisement, was much less than the consideration moneys charged to them when they made their purchases of the State.

The agents of the petitioners say that no other claims like these can be made with respect to lands in the Freemason patent.

Respectfully submitted.

SIMEON DE WITT, *Surveyor-Gen'l.*

JOHN A. DIX, *Secretary.*

A. C. FLAGG, *Comptroller.*

GREENE C. BRONSON, *Attorney-Gen'l.*

A. KEYSER, *Treasurer.*

February 20, 1834.

IN ASSEMBLY,

February 20, 1834.

REPORT

Of the select committee, on the petition of James O. Morse, and others.

The select committee, to whom was referred the petition of James O. Morse, and others, praying for the passage of a law authorising the building of a new jail in the county of Otsego,

REPORTED:

That the petitioners represent that they were appointed a committee by the board of supervisors of said county, at their last annual meeting, to inquire into the necessity of erecting a new county prison; and if thought necessary, whether the same could be built for the sum of \$2,000. In that event, they were directed to petition to the Legislature for the law now asked for.

The petitioners further represent, that at a meeting held by them for the purpose of deliberating upon the subject, they unanimously came to the conclusion that such new prison was necessary, and that it could be built, including materials that can be taken from the old one, for the sum of \$2,000.

They state that they were influenced in forming the opinion as to the necessity of a new prison, by the following, among other reasons: The jail now in use within the walls of the court-house, was constructed before the present system of prison discipline was introduced; and in order to derive the benefits from that system which have been anticipated, it is necessary that their prison should be constructed in reference to it.

As now arranged and constructed, there is no way of effectually punishing persons guilty of offences to be expiated in the county
[Assem. No. 200.]

jail. By a new prison, convicts may be made to labor; and without this, imprisonment has seldom been found to reform the offender. It is not practicable in the present jail, to separate old from young offenders, or to prevent to any considerable extent a communication between the hardened and the penitent. The whole of the present building is required for the use of the court and the sheriff or jailer.

The prison cannot be ventilated, and it has happened that the offensive air of the prison has infected the atmosphere of the courtroom so as to endanger health, and interrupt the transaction of the business of the court; and the noise of disorderly persons frequently disturbs the business of courts.

Your committee having entire confidence in the statements of the petitioners, and having also a personal knowledge of the facts set forth by them, have come to the conclusion that the prayer of the petitioners ought to be granted, and have accordingly prepared a bill which they now ask leave to introduce.

Your committee, impressed with the belief that speedy action on the subject in the Legislature, is very important to the interest of the county where said jail is to be located, would recommend that the unanimous consent of this House be given, that said bill be now ordered to be engrossed for a third reading.

IN ASSEMBLY,

February 14, 1834.

REPORT

Of the committee on public lands, on the petition of Abraham Varick, and the petition of sundry inhabitants of the village of Oswego.

Mr. McKnight, from the committee on public lands, to whom was referred the petition of Abraham Varick, and also the petition of sundry inhabitants of the village of Oswego, praying for the passage of a law removing certain restrictions contained in a grant of land to the said Abraham Varick, for the purpose of constructing a marine railway in the village of Oswego,

REPORTED:

That petitioners represent that in April, 1831, a law was passed authorising the Commissioners of the Land-Office to sell to any person so much of the unappropriated land belonging to the people of this State, in the village of Oswego, as they might deem necessary for the construction a marine railway. It appears that under this law Abraham Varick applied to the said Commissioners, and on the 2d of July, 1832, obtained a patent for a certain piece of land, situate in West-Oswego, under certain provisions and restrictions.

1st. That he should, within three years from the date, make and construct upon the premises a good and sufficient marine railway, and forever thereafter repair, rebuild and maintain the same.

2d. That he should not at any time use, occupy or appropriate any part of the said premises for any other use or purpose whatever but that of constructing and maintaining the marine railway aforesaid.

And in case of the violation of any of the foregoing provisions and restrictions all the right, title and interest of the said grantee should cease and determine, and the said premises revert back to the people of this State.

The petitioners further represent, that a marine railway at that place would be of great service to the village of Oswego, and to vessel owners upon Lake Ontario. And that the restrictions in said grant, which prohibit the erection of such shops and lumber yards as are necessarily connected with repairing vessels, would, in a great measure, if not entirely, defeat the object for which the said grant was made.

Your committee, believing that the Commissioners of the Land-Office, while they cautiously guard against private speculation by restricting purchasers to such uses and purposes as were originally intended in their respective grants, did not so intend to restrict the grantee in this case as to defeat the object for which the grant was made: and believing that it is not only important to vessel owners on Lake Ontario that such marine railway should be made, but that it would enhance the value of the lands belonging to the people of this State in that vicinity: they are therefore of the opinion that the prayer of the petitioners should be granted; and have prepared a bill for that purpose, and directed their chairman to ask leave to introduce the same.

IN ASSEMBLY,

February 21, 1834.

REPORT

Of the Comptroller, on the petition of Watson Dunham.

COMPTROLLER'S OFFICE, }
Albany, February 21st 1834. }

TO THE ASSEMBLY.

The Comptroller, on the reference from the Assembly, of the petition of Watson Dunham,

RESPECTFULLY REPORTS:

That the petitioner claims an extra allowance on a contract entered into by him, for making the desks in the Assembly chamber. The petitioner has made out a bill which accompanies the petition, and which amounts to \$1,130.06, being \$585.06 more than he was paid by the State for the 128 desks.

The only paper on file in this office, which has any connexion with Mr. Dunham's contract, is among the vouchers rendered by Francis Seger, late Clerk of the Assembly, and which is in the following words, viz:

" STATE OF NEW-YORK,

per Assembly chamber,

To Watson Dunham, DR.

For making and fitting up 128 desks for members,... \$544 00

Cartage, 1 00

\$545 00

Albany, Feb. 24, 1832. Rec'd payment from Francis Seger.

W. DUNHAM."

[Assem. No. 203.]

The usual practice adopted when work is to be done for the State, is to invite proposals, and employ the person who proposes to do the work on terms the most favorable to the interests of the State. This was done, it is believed, in the case of the desks; and as Mr. Dunham underbid all other persons, he obtained the job. The extent of his loss, the Comptroller has no means of ascertaining. In the bill which the petitioner has made out, he has charged \$100 for shop rent, \$10 for fire wood, and these items are brought into his estimate of the cost, and added to the labor and materials; and then twenty-five per cent is charged upon the whole sum thus made up. If this rate of allowance is extended to Mr. Dunham, other mechanics who "have done the State some service," may claim to have their contracts revived, and settled upon the same liberal principles.

In the papers referred to the Comptroller, there is no proof that the claimant is entitled to an extra allowance. If Mr. Dunham is not to be held to his contract, before an allowance is made to him, it would seem to be no more than reasonable, that he should show by the testimony of persons acquainted with work of the description embraced in the contract, what the cost of the desks would be, if made by a skilful mechanic.

It is respectfully suggested that the workmanship of the desks, and the extent of the repairs which have been required upon them, ought to be inquired into, before any allowance is made to Mr. Dunham. Mr. Seger, late Clerk of the Assembly, is acquainted with the transactions relative to the contracts for the desks; and the old officers of the House can be inquired of as to the condition of the work done, and the repairs which have been required upon the desks.

Respectfully submitted.

A. C. FLAGG.

IN ASSEMBLY,
February 18, 1834.

REPORT

**Of the select committee, relative to the Park fence
and the Capitol grounds.**

Mr. Beardslee, from the select committee, to whom was referred the report of the trustees of the Capitol, in relation to the construction of the park fence, and the improvements of the grounds connected with the Capitol,

REPORTED:

That by a settlement made by the Comptroller with B. G. Hathaway, there was due to Mr. Hathaway the sum of one thousand and eighty-one dollars and sixty-five cents, on his completing the park fence and gates, the 26th of July past: That twelve dollars and seventy-nine cents were paid by the treasurer of the trustees beyond the appropriation: That fourteen dollars are still due to Mr. E. Wright for paving brick: That the amount estimated for trees and shrubbery, and planting them, is two hundred and twenty-five dollars: making in all, one thousand three hundred and thirty-three dollars and forty-four cents, to pay debts contracted, and to complete the park in the manner contemplated. Your committee have, therefore, prepared a bill making an appropriation for those purposes, of one thousand four hundred dollars, and ask leave to introduce the same.

IN ASSEMBLY,

February 20, 1834.

REPORT

**Of the committee on medical colleges and societies,
on the petition of sundry inhabitants of Chautau-
que county.**

Mr. Winfield, from the committee to whom was referred the petition of a number of inhabitants of the county of Chautauque, to authorize Joseph Bullard, a botanic physician, of the county aforesaid, to practise with botanic medicines, and to collect his debts for such services,

REPORTED:

That the petitioners represent that Joseph Bullard came into the county of Chautauque in the autumn of 1831, and that in January, 1832, he commenced the practice of physic in that place, under the botanic system, and that he treated many cases which were considered desperate, and which had been abandoned by regular physicians, and that he succeeded in curing those cases thus subjected to his care.

It is also represented by the petitioners, that the success of Mr. Bullard has secured to him a practice which keeps him in constant employment.

The petitioners further represent, that the said Joseph Bullard has devoted a good portion of his early life to the study of anatomy, and those maladies which disorder the human system; and that therefore, considering his skill and judgment in the exhibition of botanic medicines and the cure of diseases, recommend him as a proper subject to clothe with authority to practise physic, and collect his dues for such practice.

Your committee have given to the subject that consideration which the importance of it demands, and have arrived at the conclusion, that however forcibly an application might be recommended to the consideration of the Legislature, it would be highly improper to pass a special law to authorize any person to practise physic and surgery, who has not complied with the provisions of the statutes.

Mr. Bullard presented himself and his case before your committee, and they are constrained to say, in justice to the applicant, that if an apology could have been offered for an innovation upon principles which are well known to be salutary, that their prepossessions in his favor would have induced your committee to recommend to your honorable body the passage of a law which would clothe him with the authority required; but as such a recommendation would not only be incompatible with the spirit of our laws, but would open an avenue to numerous applications of a similar kind, as well as to abuses, they have thought it inexpedient to recommend the passage of such an act.

Your committee have in a friendly manner represented to Mr. Bullard the difficulties which present themselves in passing an act for his special benefit, and have advised him to finish his studies and enter the profession in a regular manner. The representation and advice of your committee were received in a spirit which merits and demands their most unqualified approbation, and therefore recommend to your honorable body the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

IN ASSEMBLY,
February 8, 1834.

REPLIES

**Of the several Insurance Companies in this State, to
a resolution of the Assembly of the 10th instant.**

[Continued from No. 103.]

New-York, January 24, 1834.

P. REYNOLDS, Jr. Esq.

SIR,

At foot you have a list of all the stockholders having any unclaimed dividends on the books of the Phenix Fire Insurance Company, prior to first January, 1830, except a few others, and to a small amount, but on which the Company claim a right, under the provisions of their charter, to refuse payment until the parties settle the demands of the Company against them.

I am, Sir, your obedient servant,

R. AINSLIE, *Secretary.*

1825, 15 Nov.	Robert N. Waite,	\$60 00
1827, 15 May.	Anson G. Phelps,	43 75
1828, 15 May.	Anson G. Phelps,	43 75

**OFFICE OF MANHATTAN FIRE INSURANCE COM-
PANY.**

New-York, February 4, 1834.

SIR,

In answer to your circular of 10th ultimo, no dividends previous to first January, 1830, remain unclaimed from this Company.

Respectfully your most obedient,

T. BULL, Jr. *Secretary.*

P. REYNOLDS, Jr. Esq.

Clerk of Assembly.

[Assem. No. 207.]

BROOKLYN FIRE INSURANCE COMPANY.*Brooklyn, February 3, 1834.***To P. REYNOLDS, Jr. Esq.***Clerk of the Assembly.***SIR,**

The resolution of the Hon. the Assembly, respecting unclaimed and uncalled for dividends due from insurance companies previous to first January, 1830, transmitted by you, is received. In compliance with said resolution, I have to state there are no unclaimed and unsettled dividends due by this Company, during the time embraced in said resolution.

Yours very respectfully,**WILLIAM ELLSWORTH, Sec'y.**

IN ASSEMBLY,

February 20, 1834.

REPORT

Of the committee on claims, on the petition of William Young.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of William Young, of the town of Lyons, in the county of Wayne, praying for damages sustained by him in consequence of the works at the aqueduct over Mud creek, in said town,

REPORTED:

That the petitioner states, that in 1828 he became the proprietor by purchase of a grist mill, and other works in said town, on Mud creek, about one-half mile above the aqueduct which conveys the water of the Erie canal across said creek; that the petitioner had a fall of water created by his dam at said mills of about five feet, and there was a fall of water between the said dam and aqueduct, of ten inches: that the aqueduct was originally built on piers placed in the bed of the stream, from which piers arches were raised, and the waters of said creek passed between the said piers. That owing to the use of bad materials, and the unfaithful and unskilful execution of the plan of the engineers in the construction of said aqueduct, it became necessary to repair it, and in the spring of 1830 the repairs were commenced, and were completed in that year.

That in the course of the repairs of the aqueduct, and in the mode adopted, the petitioner's mills were very materially injured, and their permanent value greatly diminished, by obstructing the passage of the water of said creek at the aqueduct, and thereby backing it on the wheels of said mills. Such injurious effect was

[Assem. No. 208.]

produced in two ways: first, by throwing into and heaving in the bed of said stream, a large quantity of the stones, mortar and gravel, used in the construction of said aqueduct, whereby the bed of the creek was raised: and secondly, by the erection of large wings and races in the bed of said stream, at the ends of the piers, on which the aqueduct was built; which braces were much wider than the original piers, and the passage of the water at the aqueduct was thereby materially reduced in width.

The petitioner states, that he has frequently applied to the Canal Commissioners for redress, and two years since to the Canal Board; but has never received any damages, nor any redress, except a partial removal of the obstructions in the bed of the creek.

The petitioner further shows, that he commenced a suit against David Fitzgerald, who was engaged in making the repairs to the aqueduct, for damages done to his mills by the operations of the said Fitzgerald at the aqueduct. That the suit was tried at the circuit court, held in the county of Wayne, in April 1833, and was fully and ably defended. That the Hon. Henry Seymour, late a Canal Commissioner, was a witness for the defendant; and that the superintendent of repairs, and several persons employed by him and by the said Fitzgerald, were also witnesses for the defendant: and that after an impartial trial, the petitioner recovered a verdict for \$745. That the defendant made a case in said cause which is now depending in the supreme court, and no judgment entered thereon. That the said Fitzgerald has left the State and gone to Michigan, permanently to reside. He further states, that the suit was prosecuted for only a part of the damages, sustained by means of the causes above mentioned.

It appears to the committee, that this application is at present premature. A suit is still pending in which the petitioner has a verdict for \$745. His right to retain the verdict is yet undetermined; nevertheless, the result of the suit must have an essential bearing upon the amount of the damages.

Be this as it may, it appears to the committee, as the petitioner has sought a remedy against a private individual for a fraction of his damages, which he may or may not realize, that it would be improper to provide by law for a partial assessment of the damages, until it is first ascertained, whether the petitioner shall

be able to realize the amount of his verdict. And they are therefore of opinion, that the prayer of the petitioner ought not to be granted; and have instructed their chairman to introduce a resolution to that effect.

Resolved, That the prayer of the petitioner, William Young, ought not to be granted.

IN ASSEMBLY,
February 21, 1834.

REPORT

**Of the committee on State Prisons, on the petition of
Levi S. Burr.**

Mr. Gordon, from the committee on State Prisons, to which was referred the petition of Levi S. Burr, praying for an investigation into the conduct of the officers of the Sing-Sing prison,

REPORTED:

That they have had the same under consideration. The petitioner alleges that cruelties have been practised upon the convicts in that prison, under the orders of the Agent and keepers; that some of the convicts have been stoned and beaten.

The petitioner asks for the appointment of a committee invested with power to send for persons and papers, to inquire into the general, and particular past conduct of the keepers in the treatment of the convicts of that prison, embracing an investigation into the whole conduct and government of the same, and that the result of such examination and inquiry be reported to the Legislature.

The petitioner has himself been an inmate of that prison, convicted on a charge of perjury, and there served out the term for which he was sentenced, under that conviction. As is usual, he asserts his entire innocence of the charge upon which he was convicted and sentenced, and complains of injustice done him in the condemnation and punishment which he has suffered. The charges made by the petitioner against the officers of the prison are not verified even by his own affidavit, nor by the affidavit of others.

Your committee have carefully examined the annual report of the Inspectors of the State Prison at Mount-Pleasant, and have satisfied
[Assem. No. 211.]

ed themselves that no investigation or further legislation at the present time is necessary as to the government and discipline of that prison. Your committee accord to the officers of that prison the highest praise for the skill and ability with which they have hitherto and are now conducting and governing the concerns of that institution, both as it regards the interests of the State, and the reformation of the convicts.

As to the particular charges of beating and stoning some of the convicts, the petitioner does not state at what particular time or times these alleged cruelties towards the convicts were practised by the Agent, and keepers. But it is to be inferred from the petition, that these alleged offences derogatory to humanity, were committed during the term of time the said Burr was there confined.

It is proper here to state, that at the last session of the Legislature, similar charges were made against the officers of that prison, and the State Prison committee investigated the subject, and examined persons on oath, and made full inquiry into the truth of those charges, the result of which examination, after much time spent in the investigation, was the entire acquittal of those officers from the imputations made against them. The charges of the petitioner now made against those officers, relate to a period of time anterior to that investigation.

Your committee have no reason to doubt the correctness of the conclusions to which the State Prison committee of the last session of the Legislature came to, but on the contrary are satisfied that that committee could not arrive at any other decision than the entire innocence of those public officers of the accusations brought against them.

Your committee, after mature deliberation, have unanimously come to the conclusion, that the prayer of the petitioner ought to be denied, and offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,
January 31, 1834.

ANNUAL REPORT

**Of Philo Lewis, an Inspector of Beef and Pork in
the city of New-York.**

To the Honorable the Legislature of the State of New-York.

An account of provisions inspected by Philo Lewis, in the city
and county of New-York, from 1st month 1st, 1833, to 1st month
1st, 1834, as follows:

5,836	barrels	mess pork.	
1,573	"	thin side pork.	
11,604	"	prime pork.	
44	"	cargo pork.	
30	"	soft mess pork.	
71	"	soft prime pork.	
1	"	measly mess pork.	
9	"	measly prime pork.	
885	"	refuse pork.	
50	half barrels	mess pork.	
81	"	thin side pork.	
423	"	prime pork.	
790	barrels	mess beef.	
3,316	"	prime beef.	
138	"	cargo beef.	
96	"	refuse beef.	
1	half barrel	mess beef.	
Total of pork,		20,053 barrels.
"	"	554 half barrels.
Total of beef,		4,340 barrels.
"	"	1 half barrel.

The average sales of pork in barrels of the above, supposed to amount to	\$244,943 50
The average sales of pork in half barrels of the above, supposed to amount to	3,586 00
The average sales of beef in barrels of the above, supposed to amount to	28,344 50
The average sales of beef in half barrel of the above, supposed to amount to	5 25
Fees, &c. for inspecting 24,393 barrels and 555 half barrels, amounting to	3,714 45
	<hr/>
	\$280,593 70
	<hr/>

PHILO LEWIS,

New-York, 1st month 28th, 1834.

IN ASSEMBLY,

February 4, 1834.

ANNUAL REPORT

**Of Howard A. Simons and M. Gordon, Inspectors of
Sole leather in the city of New-York.**

Hon. WILLIAM BAKER,
Speaker of the House of Assembly.

SIR—

Pursuant to the inspection law, the undersigned respectfully present their report of sole leather, inspected by them during the year ending the thirty-first day of January, A. D. 1834, namely:

Number of sides 345,000, estimated average weight per side, 14½ pounds, estimated average price per pound, 15 cents, total weight at the above average, 500,250 pounds, total value at the above price, \$750,375.00.

Amount received for inspecting at 2 cents per side, ..	\$6,900 00
Deduct expenses,	862 50
Nett avails,	<u>\$6,037 50</u>

All which is respectfully submitted.

HOWARD A. SIMONS,
M. GORDON.

New-York, 31st January, 1834.

Inspectors.

**.IN ASSEMBLY,
February 24, 1834.**

REPORT

Of the committee on claims, on the petition of John Willson.

Mr. Ingalls, from the committee on claims, to whom is referred the petition of John Willson, praying for a quantity of land, or such commutation in money as the Legislature shall think proper to grant,

REPORTED:

That they have had the petition under consideration. The facts set forth in the same are, that the petitioner was a private in a company commanded by capt. Smith, in the 2d New-York regiment, commanded by col. Van Cortlandt; that he enlisted into said regiment for and during the war, in the year 1777; that he continued to serve in said company and regiment until about one year before the close of the war, when in consequence of an accident he had his leg broken, and his hip dislocated. He was then removed to the general hospital, where he was for several months confined by said injuries; that still being unfit for active service, he was transferred to the invalid regiment, where he continued to serve until the army was disbanded in 1783. The committee are satisfied that these facts are true, for the name of the petitioner appears in a printed list of such officers and soldiers of the revolutionary army as have acquired a right to land from the United States, and who had not applied therefor, published by order of the Senate of the United States, on the 16th January, 1828, as belonging to the said invalid regiment. It also appears to the committee that he has never received his bounty lands. The committee have therefore directed their chairman to ask leave to bring in a bill for his relief.

IN ASSEMBLY,

February 1, 1834.

ANNUAL REPORT

Of Jeffry Hand, an Inspector of Lumber in the city of New-York.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.

Jeffry Hand, one of the inspectors of lumber in and for the city and county of New-York, begs leave in conformity to the laws of the State, to submit herewith his annual report of lumber inspected by him, also the prices, together with the fees he has received.

	<i>Feet.</i>	<i>Per M.</i>
Eastern pine timber,.....	310,265	mercht. at \$16
“ “	102,148	refuse, 8
Eastern spruce timber,.....	375,197	mercht. 14
“ “	82,173	refuse, 7
Eastern pine boards and plank,.....	81,304	mercht. 16
“ “ “	20,560	seconds, 12
“ “ “	49,628	refuse, 8
Hard wood boards and plank,.....	32,307	mercht.
“ “ “	8,988	refuse.
North river pine,	57,223	clear,.. 30
“	97,217	mercht.
“	19,972	seconds.
“	35,428	refuse.
North river box pine,.....	29,082 12
Whitewood,.....	68,820	mercht. 24
“	15,020	refuse, 12
Hemlock,.....	63,731	mercht. 14
“	48,860	refuse, 6
Eastern spruce boards,	30,276	mercht. 14

[Assem. No. 218.]

IN ASSEMBLY,
February 25, 1834.

REPORT

**Of the committee on claims, on the petition of
Ephraim Bogardus.**

Mr. Ingalls, from the committee of claims, to whom was referred the petition of Ephraim Bogardus, praying to be paid certain expenses incurred by him in the defence of two ejectment suits brought against him to recover possession of lot No. 13, in the township of Lysander, and that a bond given by him to the people of the State be delivered up to be cancelled,

REPORTED:

That the facts upon which this claim is founded, are fully developed in the report of the Attorney-General, (see Assembly Documents, No. 156,) and there is nothing left for the committee to do but to draw conclusions from the facts already ascertained. As to the question of costs, your committee are unanimously of opinion, that the petitioner is not entitled to relief, because not having paid any thing for the lot. The Comptroller gave him his election, either to defend the lot himself, or surrender it to the State, and the State would defend it. This being the case, he entered into the controversy voluntarily, with the hope of success, and having been unsuccessful, he should abide the consequences. The petitioner having offered to make the first payment upon his bond can make no difference, for it was at that time well understood, that an ejectment suit had been commenced to recover part of the lot, and the refusal of the Treasurer and Comptroller was put upon the ground that the lot was in contest.

Your committee are therefore of opinion that so much of the prayer of the petitioner as asks for costs and expenses in defending
[Assem. No. 220.] 1

ejectment suits ought not to be granted. Your committee are, however, of opinion, inasmuch as the title of the State to the lot in question failed, that the bond of the petitioner ought to be delivered up to be cancelled, and have instructed their chairman to introduce a bill to that effect.

No. 221.

IN ASSEMBLY,
January 28, 1834.

ANNUAL REPORT

**Of Caleb Smith, an Inspector of Lumber in the city
of New-York,**

*To the Honorable the Legislature of the State of New-York, in Se-
nate and Assembly convened :*

Caleb Smith, one of the inspectors of lumber in and for the city and county of New-York, begs leave, in conformity to the laws of the State, to submit herewith his annual report of lumber inspected by him, also the prices, together with the fees he has received.

[Assem. No. 221.]

1

	Quan. Feet.	Qual.	Prices.	Fees.
Oak plank and scantling,	23,501	mercht.	\$26 00	
" "	13,811	seconds	13 00	
Chestnut scantling,	50,500	mercht.	22 00	
" "	17,790	refuse,	11 00	
Eastern white pine timber,	602,331	mercht.	16 00	
" "	216,353	seconds	8 00	\$80 07
Yellow pine timber, cubic feet,	11,091	mercht.	0 25	
" " "	2,356	refuse,	0 12½	84 00
Spruce timber,	314,420	mercht.	15 00	
" "	109,820	refuse,	7 50	
Yellow pine flooring,	96,151	mercht.	26 00	
" "	130,944	refuse,	13 00	
Yellow pine plank,	179,127	mercht.	26 00	
" "	123,205	refuse,	13 00	
Eastern white pine boards,	51,510	mercht.	17 00	
" "	73,673	seconds	12 00	
" "	95,767	refuse,	8 50	
N. R. white pine boards,	40,521	clear, .	28 00	
" "	227,052	mercht.	14 00	
" "	6,409	seconds	9 00	
" "	44,394	refuse,	8 00	
Maple plank and scantling,	7,316	mercht.	28 00	558 28
" "	4,521	seconds	14 00	
Whitewood,	14,951	25 00	
Ash plank,	15,651	mercht.	26 00	
" "	4,248	seconds	13 00	
Cedar boards,	32,648	mercht.	24 00	
" "	4,527	seconds	12 00	
Locust, w. and y. pine, meas. .	650,564	14264
Total amount of fees,				\$844 99

IN ASSEMBLY,

February 25, 1834.

REPORT

Of the committee on the judiciary, on the several petitions praying for a repeal of the law abolishing imprisonment for debt.

Mr. Grinnell, from the committee on the judiciary, to whom was referred the several petitions praying for a repeal of the law abolishing imprisonment for debt and to punish fraudulent debtors, passed April 26, 1831,

REPORTED:

That they have carefully examined the several petitions praying for a repeal of said law, as well as the remonstrances against its repeal, and the bills brought in by Mr. McKeon and Mr. Gordon on that subject. The sentiments expressed by the petitioners with regard to the existing law, and the reasons urged for its repeal or modification are, that it does not afford that relief against the fraudulent acts of debtors intended by the Legislature; that it is destructive to the rights of creditors, and that it protects the property of fraudulent debtors, which ought to be applied to the payment of their debt.

Your committee, believing that the views of the petitioners are in the main correct, have drawn up a bill amendatory to the present law, which if adopted will, in their opinion, remedy the evils complained of without destroying the principle of the original act. They respectfully ask leave to introduce said bill.

IN ASSEMBLY,

February 3, 1834.

ANNUAL REPORT

**Of A. Wilson, an Inspector of Beef and Pork in the
city of New-York.**

To the Honorable the Legislature of the State of New-York.

I beg leave to report for your information, that I have inspected
in this city from the first of January 1833, to the 31st December,
1833, the undermentioned provisions, viz:

2,847	barrels	mess	salted	beef.	
2,257	"	prime	salted	beef.	
9	"	cargo	salted	beef.	
84	"	unbrandable	salted	beef.	
12	half	barrels	mess	salted	beef.
2,012	barrels	mess	salted	pork.	
2,125	"	prime	salted	pork.	
49	"	cargo	salted	pork.	
1,160	"	unbrandable	salted	beef.	
2	half	barrels	unbrandable	salted	beef.
1	"	mess	salted	beef.	
50	"	prime	salted	beef.	

Amount of fees received, \$1,590 85

A. WILSON,
Inspector of Beef and Pork.

New-York, 29th January, 1834.

IN ASSEMBLY,

February 4, 1834.

ANNUAL REPORT

Of Abraham A. Slover, an Inspector of Lumber in
the city of New-York.

TO THE SPEAKER OF THE HOUSE OF ASSEMBLY.

SIR—

Agreeable to the Revised Statutes, I make to you the returns of
lumber inspected by me during the year 1833.

6,051	feet ash boards and plank,	worth \$20 per M'
10,555	" ash coll joist,	" 10 "
6,067	" oak plank,	" 23 "
565,284	" pine boards,	from \$12 to 14 "
101,476	" white boards,	" 13 to 18 "
13,903	" white plank,	" 30 to 45 "
8,490	" cherry boards,	" 3 to 35 "
722,586	" mahogany in the log, boards worth from 7 to 8 cents sup. feet, St. Domingo, ..	" 12 to 30 "
157,263	" Spanish cedar from 5 to 7 cents superficial measure.	

Amount of earnings, \$1,062 34

ABM. A. SLOVER,
Inspector.

IN ASSEMBLY,

February 25, 1834.

REPORT

**Of the committee on claims, on the petition of
James F. Bradt.**

Mr. Ingalls, from the committee on claims, to whom was referred the petition of James F. Bradt, praying for damages for the pollution of the water in his well by the water from the Erie canal,

REPORTED:

That the petitioner alleges that he, at the time of the construction of the Erie canal, was the owner of a farm through which the canal passed, upon which was a well containing pure water; that when the water was let into the canal, from the porous nature of the adjacent soil, the water from the canal leached through it into the well of the petitioner, and the water became impure and unfit for use: That it was then supposed by Mr. Seymour, that after a short time the evil would cease; that upon this supposition, Mr. Seymour, the Canal Commissioner having charge of that section, advanced to the petitioner forty dollars, but agreed in case the water did not become pure, to make a further allowance. The petitioner alleges and proves, that the water in the well, ever since the water has been let into the canal, has been wholly unfit for use; and he now asks a further allowance to aid him in procuring good water; and your committee have come to the conclusion that he is entitled to it, and have directed their chairman to ask leave to introduce a bill for his relief.

IN ASSEMBLY,
February 4, 1834.

ANNUAL REPORT

**Of Daniel Dietrich, an Inspector of Lumber in the
city of New-York.**

Hon. WILLIAM BAKER,
Speaker of the House of Assembly.

SIR—

In conformity to law, I send you a return of the number of sides of sole leather and their qualities, inspected by me since my appointment to office by his excellency the Governor, in October last.

	Best & good.	Dam. & bad.	Total.	Pounds.	Cents.
Hemlock tanned,	7,937,	500,	8,437,	averaging 14	worth 16
Oak tanned,....	2,424,	250,	2,674,	" 11	" 22
	<u>10,361,</u>	<u>750,</u>	<u>11,111.</u>		

The fees for doing which, at 2 cents per side, amounts to \$222 22

And the expenses for doing the same, 40 00

Leaving the clear proceeds of..... \$182 22

All of which is respectfully submitted.

DANIEL DIETRICH,

Inspector of Sole Leather.

New-York, Jan. 29, 1834.

IN ASSEMBLY,
February 11, 1834.

ANNUAL REPORT

**Of Dennis Belding, an Inspector of Beef and Pork
in the city of Troy, county of Rensselaer.**

To the Honorable the Legislature of the State of New-York.

I, Dennis Belding, an inspector of beef and pork, residing in the city of Troy, county of Rensselaer, do certify and report, that since the first day of February, 1833, I have inspected 826 barrels pork, as follows, viz:

417	barrels prime pork,	value per barrel	\$11 25
297	" mess pork,	" "	15 00
79	" thin mess pork,	" "	14 00
5	" rusty mess pork,	" "	12 00
4	" rusty prime pork,	" "	9 50
7	" heads, necks and shoulders, .	" "	9 00
16	" sour prime pork,	" "	8 25
1	" measly prime pork,	" "	9 00

In the whole number 826 barrels, at 15 cents per barrel for inspection, amounts to \$123.90.

D. BELDING,
Inspector.

Troy, February 1st, 1834.

IN ASSEMBLY,

February 1, 1834.

ANNUAL REPORT

Of William Barber, Inspector of beef and pork for
the county of Oneida.

To the Honorable the Legislature of the State of New-York.

I, William Barber, inspector of beef and pork, in and for the
county of Oneida, of said State, do report as follows:

That I have inspected and branded, according to the best of my
knowledge and ability, during the year one thousand eight hundred
and thirty-three, one thousand one hundred and seven barrels
of beef and pork, and thirty-seven half barrels of beef and pork,
all of good quality; as follows, viz:

287 barrels of mess pork, valued at \$14,.....	\$4,018 00
409 " prime pork, at \$11,.....	4,490 00
4 half barrels of mess pork, at \$8,.....	32 00
123 barrels of mess beef, at \$8.50,.....	1,088 00
283 " prime beef, at \$5.50,.....	1,556 50
33 half barrels of mess beef, at \$4.50,.....	148 50
<hr/>	
1,107 barrels of beef and pork.	\$11,342 00
37 half barrels of beef and pork.	

Received for inspection fifteen cents for each barrel, and ten
cents for each half barrel, amounting in all to one hundred and
sixty-nine dollars and seventy-five cents.

In witness whereof, I hereunto subscribe my name.

WILLIAM BARBER,

Inspector of beef and pork.

Lee, Oneida Co. January 20, 1834.

[Assem. No. 229.]

IN ASSEMBLY,

February 6, 1834.

ANNUAL REPORT

**Of Henry Howard, an Inspector of Beef and Pork
in the city of New-York.**

**HON. WILLIAM BAKER,
SIR—**

I have herewith sent you a return of the number of barrels and half barrels of beef and pork, and the qualities of each inspected by me during the last year, in the city of New-York, viz: from January 1st, 1833, to January 1st, 1834..

735 barrels mess beef.
814 " prime beef.
35 " cargo beef.
14 " refuse beef.
59 half barrels mess beef.

1,206 barrels mess pork.
1,763 " prime pork.
43 " thin mess pork.
514 " clear pork.
192 " soft mess pork.
214 " soft prime pork.
98 " refuse pork.

Making a total of 1,598 barrels and 59 half barrels beef.

4,030 " pork.

5,628 barrels.

HENRY HOWARD,

Inspector of Beef and Pork.

New-York, January 22d, 1834.

[Assem. No. 230.]

IN ASSEMBLY,

February 26, 1834.

REPORT

Of the select committee on the petition of inhabitants of Suffolk county, for the incorporation of James Port wharf and ways company.

Mr. McKeon, from the select committee to whom was referred the petition of inhabitants of Suffolk county, for the incorporation of James Port wharf and ways company,

REPORTED:

That the petitioners represent that they are desirous of obtaining an act of incorporation, with the view of facilitating the transactions of a joint stock company, formed for the purpose of building a wharf and marine railways, at James Port, on the north shore of Southold bay, in the town of Riverhead, in the county of Suffolk.

The committee being of opinion that the prayer of the petitioners ought to be granted, have directed their chairman to ask leave to introduce a bill.

No. 232.

IN ASSEMBLY,
February 12, 1834.

ANNUAL REPORT

**Of W. P. Lansing, an Inspector of Lumber in the
town of Watervliet, county of Albany.**

To the Honorable the Legislature of the State of New-York.

Measured and inspected in the county of Albany in the year
1833.

Seven hundred and thirty-seven thousand three hundred feet of
lumber.

Forty-five thousand seven hundred and eighty-five cubic feet of
timber.

Fees for inspecting and measuring the above, two hundred and
forty one dollars and fifty-three cents.

Watervliet, January 23d, 1834.

W. P. LANSING,
Inspector.

[Assem. No. 232.]

1

IN ASSEMBLY,

February 5, 1834.

ANNUAL REPORT

**Of Ebenezer Robbins, an Inspector of Beef and Pork
in the town of Western, county of Oneida.**

To the Honorable the Legislature of the State of New-York.

I, Ebenezer Robbins, an inspector of beef and pork in the town of Western, in the county of Oneida, in conformity with the statute, do certify and report, that the quantity and quality of beef and pork inspected by me during the year ending on the first day of January inst, and the probable value of the same, is as follows, to wit:

85 barrels mess pork,.....	at \$14 00	\$1,190 00
204 " prime pork,	11 00	2,244 00
1 half barrel mess pork,	8 00	8 00
55 barrels mess beef,	8 00	440 00
122 " prime beef,	5 00	610 00
24 half barrels mess beef, ...	4 50	108 00

The fees for inspecting being fixed by law at 15 cents per barrel, and 10 cents per half barrel, amounts to \$72.40.

All which is respectfully submitted.

E. ROBBINS.

Western, January 24th, 1834.

No. 234.

IN ASSEMBLY,

February 6, 1834.

ANNUAL REPORT

**Of James M. Nelson, an Inspector of Lumber in the
city of New-York.**

New-York, January 28th, 1834.

To the Honorable

Speaker of the Assembly.

SIR—

According to the directions of the Legislature, I herewith transmit to you a report showing the quantity, quality and value of lumber inspected by me, as one of the inspectors of lumber in and for the city and county of New-York, for the year preceding the 1st day January inst. together with the amount of fees and emoluments derived from my said office as inspector of lumber.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JAMES M. NELSON.

Schedule showing the quantity, quality and value of lumber measured and inspected by James M. Nelson, one of the inspectors of lumber in and for the city and county of New-York, from the 1st day of January, to the 31st day of December in the year 1833, together with all his fees for inspecting the same.

[Assem. No. 234.]

1

<i>Quantity.</i>	<i>Description.</i>	<i>Value.</i>
1,178,699	feet white pine boards and plank at \$22,	\$25,931 34
589,499	" pine house timber, at \$14,	8,252 98
989,499	" whitewood $\frac{1}{2}$ inch b'd at \$16,.....	15,831 98
224,341	" spruce house timber, at \$12 $\frac{1}{2}$,	2,692 09
22,765	" hemlock boards, &c. at \$10,	227 65
64,563	" cherry boards and plank, at \$27,..	1,743 20
87,928	" oak plank and boards, at \$25,	2,198 20
28,674	" black walnut, at \$35,	1,003 59
57,251	" curled maple, at \$60,	3,435 06
128,326	" plane maple joice &c., at \$16,	2,053 21
92,517	" ash plank and boards, at \$20,	1,850 34
72,286	" basswood boards, at \$9,	650 12
<hr/> 3,536,298 feet total.		<hr/> Value,.....
		<hr/> \$65,869 79
Total amount of fees,.....		<hr/> \$1,166 36

IN ASSEMBLY,

February 27, 1834.

REPORT

Of the committee on claims, on the petition of Timothy Eddy.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Timothy Eddy, praying for damages in consequence of the erection and continuance of the Fort-Edward dam and feeder,

REPORTED:

That the petitioner alleges and proves that he is the owner of a farm in the town of Fort-Edward, in the county of Washington, and was the owner thereof at the time of the construction of the Champlain canal; that before the excavation of the canal, he, with other citizens in his vicinity, were called upon to execute releases to the State of such of their lands as should be appropriated for the use of the canal, or any feeders or other public works connected therewith; that the individual, a Mr. Bartow, who was sent to procure these releases, assured the petitioner that the execution of the releases was not intended to cut off any claim for damages in consequence of the construction of the canal, but merely to obtain the concurrence of the citizens that the Commissioners might not meet with any resistance in the prosecution of the work; and your petitioner being friendly to the work, executed the release, and he is now willing that the release should have its full force and effect as far as it relates to any works in contemplation at the time; that since the completion of the canal, the Fort-Edward dam and feeder have been constructed, and a waste-weir built upon the feeder; that by each of these works, he has sustained heavy damages.—By the dam, in overflowing, drowning his lands, washing them

away, and destroying his timber above it; and below the dam, by undermining and washing away three and one-fourth acres of valuable land. By the feeder, in cutting up his land, disconnecting his fields, and rendering access to them difficult and inconvenient. By the waste-weir, in creating a deep and wide ravine, occasioned by letting off the surplus waters, and by the overflowing of the waters over the top of the waste-weir. He also claims damages in consequence of his lands lying open and exposed during the progress of these works.

The facts alleged in the petition are abundantly supported by proof. Your committee are further of opinion that the release ought not to operate as a discharge of damages occasioned by works not contemplated at the time it was executed, but should operate as a bar to all claims for damages for cutting the canal through his lands. With this view, the committee have directed their chairman to introduce a bill for the relief of the petitioner.

IN ASSEMBLY,

February 25, 1834.

REPORT

Of the committee on medical societies and colleges, on the petition of inhabitants of the western part of the State, to incorporate the "First Genesee Union Botanic Society."

Mr. Winfield, from the committee on medical societies and colleges, to whom was referred the petition of the inhabitants of the western part of the State of New-York, praying for an act to incorporate the "First Genesee Union Botanic Society," with power to license practioners,

REPORTED:

The memorialists say that they have for a series of years witnessed the beneficial effects of the botanic practice; and from its salutary effects, believe it to be their duty to use all honorable means to diffuse a general knowledge of that practice; and they further say, they are aware that in hazarding this opinion they in a measure contradict the views of the regularly licensed apothecary physicians; but say that the latter have laws which amply provide for the protection of themselves and their practice.

Your memorialists also represent, with a view, it is presumed, of urging upon society the entire substitution of vegetable for mineral medicines, that they are "free to confess that the system propounded and carried into effect by those skilled in the botanic practice has far exceeded their expectations, and that the successes attending their practice has astonished the most superficial observer."

Under this view of the facts presented, the memorialists pray for a law to incorporate a botanic society in the western part of
[Assem. No. 236.]

this State, under the name of the "First Genesee Union Botanic Society," and such other societies as may become auxiliary thereto, with the privilege of licensing such practitioners as have been or may be properly educated and instructed in the administration of botanic medicines, and also to exclude such as are ignorant and unacquainted with the medical properties of roots, herbs, barks, gums and balsams.

In the petition referred to above, the attention of your honorable body is again invited to the extraordinary effects of this new system in the cure of diseases. On this subject your committee have given their opinion in their report on the petitions from Tioga, and as the same principles apply to the one now under consideration, they would respectfully refer you to that report. They would add, however, the remark, that they are not astonished themselves, that the astonishment of the "most superficial observer" has been excited at the success which has attended the botanic practice, as your committee have recently witnessed the enthusiastic admiration in favor of the same system, and its results of even those who deservedly occupy high ground for depth of thought and research, and for literary and intellectual worth; but after all, the correctness of the proposition cannot be conceded, that medicines of any kind either mineral or vegetable, can be profitably exhibited without a familiar acquaintance with the medicine prescribed, and a correct knowledge of the disease for which the medicine is prescribed; and if then an admiration has been excited among the learned or unlearned of the present age, in favor of empirical practice, it must be the result of novelty or erroneous inferences.

On the ground, it would seem, that regularly licensed physicians prescribe no other than mineral or imported medicines, the petitioners have represented, that those physicians have laws to protect them in their rights and practice; when it would follow, if the doctrine inculcated was true, that a law of incorporation granted to a botanic society, could not conflict with the interests and character of regular physicians. In answer to this argument your committee would observe, that the regular physician prescribes to the sick in the course of his practice, as many botanic medicines, and those too the growth and produce of the United States, as of a mineral or imported character; and how far he has been protected, the last clause of the law of 1830, concerning the

practice of physic and surgery in this State, will clearly shew. By that clause, the exhibition of roots, herbs and barks, the growth and produce of the United States, was entirely exempted from the penalties of the law; thus leaving the field open to the quack and imposter, as well as to the physician who had studied the term required by law, and had sustained himself in an examination before censors appointed for that purpose.

It is not then, in the opinion of your committee, the regular physician who has derived the greatest advantage from the laws as they have existed heretofore, but he who, without any preparatory study, and without license, has embarked into the practice of medicine.

Your committee are of the opinion that no further incorporation of medical societies than those provided for by the statute, is necessary, either to license and protect the worthy or restrain the unworthy; and if to improve the character of the medical profession be the sincere, as it is the ostensible, object of the petitioners, the end may be obtained by conforming to the existing laws regulating the incorporation of medical societies; as a physician cannot, by the action of the laws of incorporation upon those societies, be admitted into practice, unless he is as well acquainted with botany as with mineralogy.

With this view of the facts, your committee have directed their chairman to offer the following resolution for adoption.

Resolved, That the prayer of the petitioner ought not to be granted, and that the committee be discharged from the further consideration of the subject.

IN ASSEMBLY,

February 27, 1834.

REPORT

Of the select committee on the petition of Richard Pennell.

Mr. Beardslee, from the select committee to whom was referred the petition of Richard Pennell, and the report thereon of the Commissioners of the Land-Office,

REPORTED:

That the authority of the said Commissioners to make grants of land under the waters of navigable rivers and lakes, and under the waters adjacent to and surrounding certain islands in the harbor of the city of New-York, to promote the commerce of this State, does not extend to the land under the waters surrounding Long-Island. But the Legislature has repeatedly authorised the construction of docks by individuals on Long-Island, extending into the Sound, and no reason is perceived why a like authority should not be granted in the present case. The use of the wharf for several years may be fairly deemed to raise a presumption in its favor, as promoting the public convenience.

The petition of Richard Pennell is also supported by a petition which was not before the said Commissioners, having been read and referred to this committee since that report was made. It is signed by several inhabitants of the town, by a number of officers in the United States' service stationed at Fort Hamilton, in the vicinity, and certified by the first judge of Kings county. It is also supported by the certificate of nearly all the editorial corps of the city of New-York. By all of whom it is declared that the wharf at that place has been, and if rebuilt would be a great convenience to the public and no obstruction to the navigation at the Narrows. Your committee are satisfied that such are the facts, and therefore ask leave to bring in a bill.

[Assem. No. 238.]

IN ASSEMBLY,

February 27, 1834.

REPORT

Of the Governors of the New-York Hospital.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK:

The Governors of the New-York Hospital,

RESPECTFULLY REPORT:

That during the year 1833, there have been 1,852 patients admitted into the Hospital, who, with 162 remaining there on the 31st December, 1832, make 2,034 persons who have received the benefits of that institution during the past year. Of that number, 1,296 have been cured, 106 relieved, 102 have been discharged at their own request, and 68 as improper objects, 11 have eloped and 19 been discharged as disorderly; 146 have died, and 184 remained on the 31st of December last.

The above numbers are exclusive of the insane patients, of whom 138 have been admitted into the Bloomingdale Asylum, who, with 80 patients remaining there on the 31st December, 1832, make 218 who have received the benefit of the Asylum during the past year. Of these, 146 were old, and 72 recent cases; 58 have been cured, 10 have been discharged improved, 15 at the request of friends, 2 have been removed to the alms-house, 10 have died, 3 have eloped, and 120 remained in the Asylum on the 31st December last. Of the cures, 2 only were of old cases, and 56 were of cases of not exceeding three months duration, before they were submitted to the care of the institution.

[Assem. No. 239.]

The whole amount of expenditures by this corporation for and during the year 1833, was sixty-seven thousand two hundred and eighty-two dollars and fifty-seven cents. The whole amount of receipts from the two State annuities, pay patients, subscriptions and other sources, was sixty-seven thousand two hundred and ninety-one dollars and sixteen cents, leaving a balance in favor of the institution of eight dollars and fifty-nine cents.

In these aggregates of receipts and expenses are comprehended the separate accounts of the two institutions, under the charge of this corporation, viz: the Hospital in the city of New-York, and the Bloomingdale Asylum, which severally present the following results:

The New-York Hospital has received during the year 1833, for State annuity, from the United States for board of seamen, for pay patients, articles sold, library tickets to medical students and subscriptions of new members, thirty-two thousand nine hundred and eighty-one dollars and eighty-two cents. During the same period, there has been paid for the support of the Hospital, salaries of officers, repairs of buildings, medicines, books and contingent expenses, twenty-five thousand eighty-one dollars and twenty-three cents, leaving a surplus of seven thousand nine hundred dollars and fifty-nine cents, of which sum seven thousand eight hundred and ninety-two dollars have been applied in aid of the funds of the Bloomingdale Asylum, for different objects connected with that establishment.

The Bloomingdale Asylum, during the year 1833, has received from the State annuity, for board of patients, and articles sold, thirty-four thousand three hundred and nine dollars and thirty-four cents; and there have been expended for the support of the establishment, salaries of physician and officers, purchase of land, payment of interest on the debt for buildings and increase of the sinking fund, for the extinction of said debt, forty-two thousand two hundred and one dollars and thirty-four cents, leaving a balance against the institution of seven thousand eight hundred and ninety-two dollars, which was paid from the general funds of this corporation.

In this expenditure is included the sum of two thousand and twenty-two dollars, paid for the purchase of lands adjoining the Asy-

lum grounds. This purchase was made with a view to the future value of the Asylum property, and also for the greater accommodation and protection of the establishment, both which objects appeared to be consulted by the purchase of certain irregular lots lying between the lands of this institution, and the newly laid out Avenues.

Taking the expenditures for the support of the Asylum separately from all other payments made on account of the institution, it will appear there was expended in 1833, for the support of the house, salaries, etc., twenty-four thousand six hundred and forty-nine dollars thirty-five cents; and during the same period, the board and support of patients amounted to twenty-one thousand one hundred eighty-seven dollars and ninety-five cents, thus leaving a balance against the institution of three thousand four hundred sixty-one dollars and forty cents to be supplied from the other funds of this corporation.

The whole amount of debts due to the Asylum, is nine thousand four hundred seventy-two dollars and forty-nine cents; some portion of which may certainly be considered as bad, and a considerable portion as doubtful; a part will be collected.

The whole amount of debts due from this corporation on the 31st December, 1833, was one hundred and thirty-seven thousand dollars, being the same with that stated in the last year's report, and due on bonds for money borrowed for the erection of the Asylum buildings, and purchase of land. The sinking fund for the final extinction of this debt is forty thousand five hundred and eighty-one dollars thirty-nine cents, shewing an increase during the year of eight thousand eight hundred and ninety-five dollars and two cents.

The Board of Governors have not been disappointed in the confident hopes expressed in their last year's report, of the beneficial result of the tour of the physician of the Asylum in Europe, for the personal examination of the recent improvements in the treatment of the insane. Various improvements have been introduced since his return, in the establishment under his charge, and others are in progress. These promise the happiest results in the cure of many cases and the increased comfort of others. The experience of the last year, whilst it has given satisfactory evidence of the efficacy of these improvements, has also demonstrated, in a very strik-

ing manner, the great importance of early attention to the attacks of insanity. Whilst in about nine cases out of ten of those placed under the care of the institution, before the expiration of three months from the first marked attack, the disease has totally yielded to the efficacy of moral and medical treatment; on the other hand there remains a mass of almost hopeless cases in the Asylum, which are nearly all city or town poor, who had been suffered to remain, without proper assistance, for a long period, until the disease had assumed a fixed character.

In the absence of establishments for the exclusive accommodation of the rich, and in the acknowledged deficiency of those for the pauper poor, this institution presents advantages suited to all classes. It has accommodations for persons in all circumstances, from the town pauper to the wealthy citizen, who can afford to pay for extra attendance and the luxuries of life.

One of the greatest and most valuable improvements of science and experience in this branch of the healing art, is the discovery of the importance and use of classification and association of patients. The several stories of the building opening upon different staircases, with access to different yards, together with the detached building, afford the means of a great separation among the patients. The classification is not merely that of the sexes; but the division of patients into classes is made according to the conduct, habits, education, and station in life and state of mind, with the further extension of additional accommodations of servants, apartments, and other luxuries, according to their compensation to the institution. In general, it is attempted to place such individuals together whose society will if possible be of mutual benefit, or at any rate will be of no disservice to one another.

The sexes are entirely separate. The male patients are divided into six classes; the female into four; which are distinct as respects lodgings, meals, society, and (as far as expedient) exercise and amusement. For three of the classes of each sex there are distinct airing grounds, with a different entrance for each class. For the furious and vociferous male patients there is a separate building, which is so warmed that the violent patient, under any circumstances, will not suffer from cold. Here they have the comfort of an uniform temperature, and the convenience of baths, without exposure. As soon as they may become partially tranquil

and manageable, they are removed to the main building, where the accommodations are on a more enlarged scale.

According to the rate of board a difference is observed in some or in all of the following particulars, viz: in the size of the room, in the quality of furniture, and of food, in associates, and in the proportion of attendants to a given number of patients. If an attendant be provided for a single patient, a charge is made in addition to the rate of board.

As much liberty as is consistent with safety is allowed. Some are permitted to leave the house and to visit in the neighborhood, or to amuse themselves on the farm; many others make excursions on foot, in company with a keeper, or in a carriage kept for that purpose. The means for moral and mental treatment are adapted, as far as may be, to the education and taste of the patient. For the working man, labor on the farm, in the garden, or in and about the house; for the artizan, an opportunity is afforded of working at his trade, wherever it is practicable; for the pedestrian, the range of one of the most pleasing and varied spots in the country; for the lover of active or of sedentary games of amusement or exercise, there are nine-pins, gymnastics, battle-door, chess, music, etc.; for those of literary habits, books, and the papers and pamphlets of the day. The female patients are employed, so far as they are disposed, at knitting and needle and house work.

A reading-room has been established and supplied with some of the more interesting and useful periodicals and daily papers. This room is made so desirable a resort as to secure the good behavior of those who frequent it. It is under certain regulations as fixed and well observed as those of any reading-room for sane people. Attached to it is a small circulating library. A librarian is appointed from among the patients, who has charge of both; opens the room at certain hours, preserves order, prevents conversation, destruction of books, etc.; distributes books applied for from different parts of the house, after entering their names in a register kept for that purpose.

Since the reading-room and library were established, their influence has been most decidedly beneficial. They give employment to persons hitherto quite unoccupied; lessen noise, relieve ennui,

divert the patient's mind from a morbid, fixed train of thought, diminish the wildness and extravagance of others, and lead them to think correctly.

During the last year a regular religious service on Sunday has been introduced, and its effects have been found of the happiest kind. Besides its important religious influence, and viewing it simply as a moral agent in the treatment of insanity, as promoting order, as reviving long neglected habits and youthful associations, and as continuing those that have been established, the breaking off of which is felt as a painful deprivation, religious services are viewed as an important part of the regimen. Much, of course, of their good effect depends upon the prudence and discretion of the officiating minister, and all dangerous excitement is as much as possible guarded against.

The most scrupulous cleanliness and order are preserved throughout the establishment. In order to guard against those abuses which are found gradually to creep into public establishments, the institution is placed under the immediate superintendence of a committee of six members of the Board of Governors, annually chosen, two, at least, of whom must be new members every year. Two members of this committee, in turn, form a sub-committee, who visit the Asylum weekly, and inspect every part of it, and see, or may be seen by, every patient. The whole committee meet monthly, at the Asylum, for the general management of the institution.

It is also the duty of the president, the vice-president and the inspecting committee of the Hospital, to visit the Asylum, each once at least, in every month. All these visits and their results are reported at each monthly meeting of the Board of Governors. As this board is composed of twenty-six gentlemen, who are thus nearly all brought in rotation into the inspection of the Asylum, every needful guard against any thing like frequent or systematic abuse, seems to be completely secured. The institution is open to the visits of the friends of the patients, under the direction of the physician, as well as occasionally to those of scientific or medical visitors; but every precaution is taken to prevent the patients from being made a spectacle to the idly curious, who are rigorously excluded.

Considering how much of human misery is removed or mitigated by the two institutions under their charge, the Governors trust they will continue to receive and to deserve the patronage which has been so often and so liberally extended to them by the Legislature.

GEO. NEWBOLD, *President.*

ROBERT I. MURRAY, *Secretary.*

New-York, February 22, 1834.

IN ASSEMBLY,

February 27, 1834.

REPORT

Of the select committee, on the petition of the commissioners of highways of the town of Granville.

Mr. Wright, from the select committee, consisting of the members from Washington county, to which was referred the petition of Charles Chandler, Gordon Smith and Samuel Smith, commissioners of highways of the town of Granville,

REPORTED:

That your committee have had the subject of the petitioners under consideration, and the facts set forth in said petition, and as they are made to appear to the committee, are briefly as follows: That during the month of May, 1833, there was an unusual freshet in the town of Granville, which swept off all the bridges crossing the several streams which pass through said town. Two of the streams, the Pawlet and Granville rivers, pass nearly through the whole length of said town, from south to north, over which were several important bridges, and which were entirely swept off by the freshet above referred to. The amount of damages thus sustained by said freshet, is estimated at \$3,000. A special town meeting was called in said town, soon after said freshet, at which it was "*Resolved*, That the commissioners of highways be authorised and requested to borrow the sum of \$1,500," for the purpose of rebuilding said bridges; and that the said meeting directed the commissioners of said town to apply to the then next Legislature for a law authorising said town to raise by tax upon the taxable property therein, the sum of \$500 annually, for three years in succession, in addition to the sum now authorised to be raised.

[Assem. No. 242.]

It also appears to your committee, that the commissioners of highways have borrowed the said sum of \$1,500 for the purposes above set forth, and have expended the same for the rebuilding of bridges in said town. Under these circumstances, your committee are of opinion that the prayer of the petitioners ought to be granted, and have directed me to ask leave to bring in a bill accordingly.

IN ASSEMBLY,

February 11, 1834.

ANNUAL REPORT

Of E. L. Boynton, an Inspector of Beef and Pork
in the city of Troy, county of Rensselaer.

To the Honorable the Legislature of the State of New-York.

I, Ebenezer L. Boynton, an inspector of beef and pork, residing in the city of Troy, in the county of Rensselaer, do certify and report, that since the first day of February, 1833, I have inspected 3,436 barrels of beef, as follows, viz:

3,000 barrels prime beef,	value per barrel	\$6 00
1,321 " mess beef,	" "	9 25
87 " thin beef,	" "	4 75
21 " bull beef,	" "	4 00
7 " necks,	" "	3 00

And that during the time aforesaid, I have inspected 2,117 barrels of pork, as follows, viz:

1,290 barrels prime pork,	value per barrel	\$11 25
656 " mess pork,	" "	15 00
87 " thin mess pork,	" "	14 00
7 " rusty mess pork,	" "	12 00
18 " rusty prime pork,	" "	9 50
58 " heads, necks and shoulders,	" "	9 00
1 " measly prime pork,	" "	9 50

In the whole of beef and pork 5,553 barrels, at 15 cents per barrel for inspection, amounts to \$832.95.

E. L. BOYNTON,
Inspector.

Troy, February 1st, 1834.

[Assem. No. 243.]

IN ASSEMBLY,
February 13, 1834.

ANNUAL REPORT

**Of Stephen E. Maltby, an Inspector of Beef and
Pork in the town of Skaneateles, county of Onon-
daga.**

To the Honorable the Legislature of the State of New-York.

Report of pork inspected by Stephen E. Maltby, inspector, for
the year ending on the first of January, 1834.

April, 1833,	60	barrels mess pork,	value per bbl. \$12,	\$720 00
	31	" prime pork,	" " 10,	310 00
Dec. 1833,	48	" mess pork,	" " 15,	720 00
	15	" prime pork,	" " 12,	180 00
<hr/>				
154 barrels for Messrs. Porter & Pardee.				<hr/> \$1,930 00

Fees received on 154 barrels, \$38 50

STEPHEN E. MALTBY,
Inspector.

Skaneateles, Onondaga Co. N. Y.

IN ASSEMBLY,
February 19, 1834.

ANNUAL REPORT

**Of Jas. A. Buckbee, Inspector of Domestic Distilled
Spirits for the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The undersigned, inspector of domestic distilled spirits for the city of Albany, respectfully reports, that he has inspected from the first day of January 1833, to the thirty-first day of December, inclusive, as follows:

4,536 barrels,.....	195,376	gallons, fees	\$476	28
91 hogsheads, ..	13,314	" "	12	28
	<hr/>			
	208,690	gallons, fees	\$488	56
	<hr/>			

JAS. A. BUCKBEE,
Inspector.

Albany, 18th February, 1834.

**IN ASSEMBLY,
February 27, 1834.**

REPORT

Of select committee on the petition of commissioners for building a jail in Chautauque county.

Mr. Osborne, from the select committee to which was referred the petition of the commissioners appointed under the act to authorize the erection of a new jail in the county of Chautauque,

REPORTED:

That the petition states that a law was passed on the 22d of March, 1832, requiring the board of supervisors of the county, to raise by tax, the sum of three thousand five hundred dollars, to be expended under the direction of the commissioners, in the building of a new jail in said county: That the said sum has been raised and expended for the purposes required by the said act, and has been found insufficient to complete the said jail; and that the further sum of one thousand five hundred dollars will be required for the completion thereof. The petitioners therefore pray for the passage of an act requiring the board of supervisors to raise the said further sum of \$1,500, in such manner as may be most expedient for the completion of said building.

The committee are satisfied of the truth of the facts set forth in the petition; that the notices of intended application were duly published as required by law, and are of the opinion that the prayer of the petitioners ought to be granted. They have therefore directed their chairman to ask leave to introduce a bill accordingly.

IN ASSEMBLY,

February 28, 1834.

REPORT

Of the committee on the judiciary, on the bill entitled "An act to amend chapter 8, part third, title 15, section 3, of the Revised Statutes, relating to the foreclosure of mortgages by advertisement,"

Mr. Haight, from the committee on the judiciary, to which was referred an act entitled "An act to amend chapter 8, part third, title 15, section 3, of the Revised Statutes, relating to the foreclosure of mortgages by advertisement,

REPORTED:

The object of this act is to repeal that part of the said section requiring a notice of the sale of mortgaged premises in those counties where there are two court-houses, to be posted on the door of the court-house nearest to the premises. The act provides that notice may be posted on the door of either court-house. If there is any greater publicity gained in requiring notice to be affixed on the door of the court-house, it would seem that object is best attained in counties where there are two court-houses, by the law as it now is.

Your committee have, therefore, come to the conclusion, that the bill referred to them ought not to pass.

IN ASSEMBLY,
February 28, 1834.

REPORT

Of the committee on the judiciary, on the bill entitled "An act concerning the cancelling and discharging of judgments."

Mr. Haight, from the committee on the judiciary, to which was referred "An act concerning the cancelling and discharging of judgments,"

REPORTED:

That the objects intended to be attained by the act, are the satisfaction of judgments in favor of non-residents, and such as may be held by assignees. Some inconvenience has probably resulted from the want of a provision by which persons residing in another State or in a foreign country might satisfy judgments, so that they could be cancelled on the record. Your committee have, therefore, drawn an act to meet this case, instead of the bill referred to them, and directed their chairman to introduce it.

As to the other object embraced in the act referred to, your committee have come to the conclusion, that it is inexpedient to legislate on the subject. But little practical inconvenience can now be incurred, inasmuch as the party on the record or his representatives can usually be found. The evidence of the due execution of one or more assignments, and the filing or recording of them, would be attended with as much or more inconvenience than is now incurred by the difficulty of satisfying judgments held by assignees.

IN ASSEMBLY,
February 28, 1834.

REPORT

**Of the committee on the judiciary, on temperance
taverns.**

Mr. Haight, from the committee on the judiciary, to which was referred several petitions, from the counties of Tioga and Tompkins, praying for an alteration of the excise law, so that temperance taverns may be licensed without the payment of the excise now required by tavern-keepers,

REPORTED:

That the petitioners represent "that many good and worthy citizens would, (under the existing state of public feeling and desires,) be induced to open houses for the entertainment and accommodation of travellers and the public, otherwise called 'temperance taverns,' was it not for a clause in the existing statute which amounts nearly or quite to a prohibition." The section referred to by the petitioners is that imposing a penalty for keeping up a sign without having a license to sell spirituous liquors or wines. The repeal of this section would not, however, meet the entire views of the petitioners. It would still be necessary to have a tavern license to be authorised to sell wines, and it is not perceived, from any thing contained in the petition, that the juice of the grape is to be proscribed. On the contrary, it is proposed that the laws shall be so modified that licenses to keep taverns may be granted, with permission to sell any liquor not produced by distillation, upon payment of the fees of the board of excise, which the petitioners suppose would not exceed one dollar. The board of excise in the several towns are now authorised to reduce the sum required for a license to five dollars, and your committee

[Assem. No. 250.]

can not believe that this amount of tax or duty can operate as a prohibition to "temperance taverns." If it does in fact so operate as represented by the petitioners, your committee are constrained to believe that the business of keeping "temperance taverns" can not be so aided by legislation as to render it either lucrative or permanent. A tavern-keeper who can not afford to pay five dollars for a license, will, in the ordinary course of business operations, not long continue to be a tavern-keeper.

Your committee are also induced to believe that, so far as profit may be derived from tavern-keeping, the gains which will accrue from the sale of wines and other liquors, not produced by distillation, will fully justify the imposition of a slight excise duty.

The most serious objection, however, to the proposed modification of the excise law, which has occurred to your committee, is the great facility that licenses, of the description asked for, would afford to evade the tax required of those who sell distilled liquors. The enforcement of the penalties contained in our excise law is now found, in many instances, difficult; and as revenue and public morality are both concerned in the prompt infliction of these penalties, your committee deem it inexpedient to provide, by legislative enactment, any new mode of evasion. The instances would probably be few where individuals would claim the patronage of the professed friends of temperance, by the erection of the sign of a "temperance tavern," and at the same time minister to the diseased appetite of the lover of strong drink, in violation of the excise laws; yet your committee are informed that one or more such cases have occurred. It is, besides, obvious, that wines, which are proposed to be sold in these taverns, may, and if all accounts are true, will be more or less adulterated with liquors produced by distillation. There is, therefore, in the opinion of your committee, no object of public good to be attained by granting the prayer of the petitioners, and they offer the following resolution;

Resolved, That the prayer of the petitioners ought not to be granted.

DOCUMENTS
OF THE
ASSEMBLY
OF THE
STATE OF NEW-YORK,
FIFTY-SEVENTH SESSION,
1834.

VOLUME IV.
FROM No. 251 TO 401 INCLUSIVE.



ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE.
.....
1834.



Gen. Lib.
Gift
Transportation Lib.
5-18-1929

No. 251.

IN ASSEMBLY,

February 24, 1834.

ANNUAL REPORT

Of the Dutchess County Bank.

DUTCHESS COUNTY BANK, }
Poughkeepsie, Feb. 21st, 1834. }

HON. WILLIAM BAKER,
Speaker.

SIR—

I have the honor to enclose the annual return of this institution,

And am with much respect,

Your ob't. serv't.

W. CUNNINGHAM,
Cashier.

Statement of the Funds of the Dutchess County Bank, (of Poughkeepsie,) February 15th, 1834.

RESOURCES OF THE BANK.

Notes discounted and other sureties,	\$337,395 02	
Specie in vault,	\$30,738 66	
Bills of other specie paying banks,	14,405 00	
Checks and sight drafts upon specie pay- ing banks,	8,847 69	
Balances due from specie paying banks,	3,517 30	
Deposited with the Phenix bank, New- York, for the redemption of our notes,	77,294 40	
		134,803 05
Banking-house and lot,		6,500 00
Personal property,		3,028 32
		<u>\$481,726 39</u>

[Assem. No. 251.]

DUE FROM THE BANK.

Stock paid in,.....	\$150,000 00
Bills in circulation,.....	216,815 00
Balances due other banks for collections,.....	26,282 58
Individual credits,.....	74,664 00
Nett profits on hand,	13,964 81
	<hr/>
	\$481,726 39
	<hr/>

Dutchess county, ss.

James Emott, president, and Walter Cunningham, cashier of the Dutchess County Bank, being sworn, depose and say, that the foregoing is a full and true account of the funds and property of the bank; that the amount of the capital stock subscribed and paid in, is \$150,000; and that the amount of specie above stated, is bona fide the property of the bank, and has not been borrowed or in anywise obtained with the view to make this return. And these deponents further say, that since the last annual return, the bank has kept an account in the city of New-York, in the Phenix bank, in order to have its bills receivable and current in New-York, so that its bills might pass in the State and elsewhere without discount; and the directors have accordingly ordered such surplus funds as were not needed at the bank for its ordinary business, to be sent to the Phenix bank to redeem its paper there; and that the sum above stated, as being in the Phenix bank are the funds of this bank placed there for the aforesaid purpose. And these deponents further say, that the balances due other banks, as stated above, are for collections recently made for such banks and not yet remitted.

JAMES EMOTT,
WALTER CUNNINGHAM.

Sworn this 21st February,
1884, before me.

DAVID V. N. RADCLIFF,
Supreme Court Commissioner.

IN ASSEMBLY,
February 25, 1834.

ANNUAL REPORT

Of Gerrit Lansing, Jr. an Inspector of Lumber.

To the Honorable the Legislature of the State of New-York.

Return of lumber measured and inspected by Gerrit Lansing, Jr.
inspector of lumber, from 11th June 1833, to 1st February, 1834,
viz:

91,914	feet	pine boards.
19,350	"	whitewood boards.
17,629	"	cherry boards.
17,960	"	basswood boards.
1,537	"	maple boards.
1,467	"	spruce boards.
684	"	butternut boards.
583	"	elm boards.
15,140	"	ash plank.
9,069	"	oak plank.
6,364	"	maple scantling.

Total,... 183,697 feet.

Measuring and inspection fees received,	\$45 24
Deduct expenses,	7 74
	<hr/>
	\$40 50

All of which is respectfully submitted.

GERRIT LANSING, JR.

IN ASSEMBLY,

February 28, 1834.

REPORT

Of the select committee, on the memorial of John Elsworth, and others.

Mr. Mitchell, from the select committee, to whom was referred the memorial of John Elsworth, and others, praying for the passage of a law authorising the said John Elsworth, and others, to drain the Flint creek and Nettle valley swamp, in the town of Potter, in the county of Yates, and in the town of Gorham, in the county of Ontario, at the expense of the owners of the lands which may be benefitted thereby, and for the appointment of commissioners to superintend the same,

REPORTED:

That they have taken into consideration the subject matter of the said memorial referred to them; that the said memorialists represent that there is a marsh or swamp lying on Flint creek in the said towns of Potter and Gorham, extending about nine miles in length, with an average breadth of about 200 rods, and containing about 5,000 acres of land; that the channel of Flint creek is very crooked, and is obstructed in many places, by which means the said tract of land is entirely overflowed in a high state of the creek, and upon the subsiding of the waters, said tract is again bare; that these changes often take place in the summer season, and owing in a great measure to the present improved state of the adjoining lands are more frequent than they formerly were, and are extremely prejudicial to the health of a large portion of the inhabitants of the said towns.

And the said memorialists further represent, that the lands thus subjected to inundation are in their present state entirely useless,
[Assem. No. 253.]

but that by draining, they would become of great value, and that all the owners thereof are desirous of draining the said swamp at their own expense in rateable proportions, according to the quantity of land owned by them severally.

And the said memorialists pray for the passage of an act appointing commissioners, with authority to superintend and complete the draining of said swamp, and to levy and collect by tax upon all the lands that may be so drained, a sufficient sum of money to pay the expense thereof,

It has been made known to your committee, by those on whom they could rely, that a part of said tract of swamp is owned by non-residents, and that such non-residents would be in favor of the measures proposed by the memorialists for draining said swamp.

Notices of the intended application having been duly published, and your committee having received assurances from persons on whom they could rely, that there is no opposition in the said towns to the passage of an act in pursuance of the prayer of your memorialists, and it appearing to your committee that the memorialists will be benefitted, and the health of the inhabitants in that vicinity preserved from frequent liability to disease by making said improvement, have directed their chairman to report a bill in compliance with the prayer of the memorialists.

IN ASSEMBLY,

February 28, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of John Drum and Barnes Gleason.

To the Assembly.

The Commissioners of the Land-Office, on the reference from the Assembly of the petition of John Drum and Barnes Gleason,

RESPECTFULLY REPORT:

That on the third day of August, 1822, the north half of farm lot No. 19, St. Regis reservation, was sold to Barnes Gleason, for the sum of \$277, and his bond taken therefor.

On the 26th of March, 1823, the said Barnes Gleason, purchased the south half of the same lot, for the sum of \$322.60, and gave his bond therefor.

On the 18th of January, 1831, sixty-eight acres, three roods and sixteen perches were set off from the south half of farm lot No. 19 to John Drum, and an account was opened with him in the books of the Comptroller's office.

On the 7th of November, 1831, the sum of thirty dollars was credited on the north half of farm lot No. 19; and for this sum the receipt which is annexed to the petition was given.

There does not appear to have been any payment on the south half of lot No. 19, since the third of June, 1830.

It is alleged in the petition that Barnes Gleason sold the north half of the lot to John Ross. In the account kept at the Comptroller's office the north half stands in the name of Barnes Gleason.

[Assem. No. 254.]

This probably occasioned the mistake in crediting the thirty dollars to the north instead of the south half of the lot. This sum, therefore, is to be transferred from that part of the lot which Gleason assigned to Ross, and credited to Gleason and Drum, the present owners of the south half of the lot.

Respectfully submitted.

A. C. FLAGG, *Comptroller.*

GREENE C. BRONSON, *Att'y-Gen.*

JOHN A. DIX, *Secretary.*

A. KEYSER, *Treasurer.*

IN ASSEMBLY,
February 24, 1834.

AMENDED REPORT

**Of Dayton H. Fuller, an Inspector of Lumber in the
city of Troy, county of Rensselaer.**

Report of Dayton H. Fuller, an inspector of lumber in the city
of Troy, viz:

		<i>Average price.</i>	
26,053	feet first quality pine,	\$33 00	per M.
98,135	" second quality pine,.....	22 50	"
144,108	" third quality pine,	17 00	"
593,108	" fourth quality pine,	12 00	"
989,129	" face measure pine,.....	13 50	"
35,142	" pine timber.		
348,764	" half inch whitewood, mercht.	14 00	"
81,853	" first quality whitewood chair plank,	31 00	"
37,836	" second " " "		
110,082	" hemlock house beams, mercht.	10 00	"
81,319	" white ash lumber, mercht.	14 00	"
53,509	" maple scantling, mercht.....	13 50	"
11,450	" cherry lumber, mercht.....	30 00	"
15,523	" black walnut lumber, mercht.	30 00	"
9,393	" bass wood chair plank, mercht.	25 00	"
8,683	" oak plank, mercht. 2 inch measure,.	50 00	"
9,425	" half inch bass wood, mercht.	9 50	"
2,266	cubic feet timber,.....	15 to 18 cents	per foot.

Received for inspecting and measuring the same,... \$870 04

DAYTON H. FULLER,

Inspector.

Troy, February 22d, 1834.

IN ASSEMBLY,

February 24, 1834.

AMENDED REPORT

**Of Edward S. Fuller, an Inspector of Lumber in the
city of Troy.**

To the Honorable the Legislature of the State of New-York.

The undersigned, an inspector of lumber for the city of Troy, reports, that the annexed schedule presents a correct statement of the quantity of lumber inspected and measured by him during the past year, and an estimate of the average prices of the same, according to the best of his knowledge and belief.

<i>Feet.</i>	<i>Description of Lumber.</i>	<i>Average price.</i>
47,185	first quality pine lumber,	\$33 00 per M.
177,047	second " "	23 00 "
152,394	third " "	17 00 "
1,026,675	fourth " "	11 50 "
1,050,560	surface " "	13 50 "
66,293	white ash merchantable lumber,	14 00 "
90,781	hemlock house beams, merchantable, .	10 00 "
4,370	cherry lumber, merchantable,	30 00 "
132,478	half inch whitewood, merchantable, ..	14 00 "
109,828	maple scantling, merchantable,	13 50 "
34,146	oak ship plank, merchantable,	55 00 "
1,465	cubic feet hewn timber,	15 to 18 cents per foot.
7,296	bass wood half inch, merchantable, ...	\$9 50 per M.
46,701	whitewood chair plank,	31 00 "
1,582	button wood lumber, merchantable, ...	13 50 "

Received for inspecting and measuring the same, ... \$946 08

EDWARD S. FULLER.

Troy, February 22d, 1834.

[Assem. No. 256.]

IN ASSEMBLY,
February 24 1834.

AMENDED REPORT

**Of Nathaniel Challes, Inspector of Lumber in the
city of Troy.**

To the Honorable the Legislature of the State of New-York.

The following parcels are as near as may be under existing circumstances.

39,675	feet first quality white pine,	\$32 or \$33 per M.
166,447	" second " "	22 or 23 "
130,622	" third " "	15 or 16 "
1,491,185	" face and 4th qual. white pine,	15 "
65,220	" 1st qual. whitewood chair pl'k.	30 or 35 "
79,888	" 2d " " "	20 "
83,501	" white ash,	14 or 15 "
53,045	" maple,	12 or 14 "
395,279	" thin whitewood,	12 or 15 "
134,120	" house beams,	75 cents to \$1
47,527	" oak ship plank, inch.	\$25 or \$30 per M.
54,052	" cherry,	30 or 35 "
2,254	" white hickory,	35 or 40 "
14,087	" black walnut,	25 or 30 "
24,000	" square pine timber, cubic,	15 to 17 cents.
3,000	" " oak " "	18 to 25 "

I think the amount of fees \$1,075 00

NATHANIEL CHALLES,
Inspector.

Troy, 24th February, 1834.

IN ASSEMBLY,
February 24, 1834.

ANNUAL REPORT

**Of Nathaniel Parmeter, an Inspector of Leather for
the county of St. Lawrence.**

To the Honorable the Legislature of the State of New-York.

In pursuance of section 197th, article 13th, title 2d, chapter 17th of the first part of the Revised Statutes of this State, the undersigned, one of the inspectors of sole leather in and for the county of St. Lawrence, residing in Potsdam in said county, would respectfully submit the following report:

That he has inspected during the year ending on the first day of January, 1834, fifteen thousand eight hundred and forty pounds of sole leather, of which thirteen thousand seven hundred pounds he marked as good, and two thousand one hundred and forty pounds he marked as damaged. The leather which he marked good, he considers worth nineteen cents per pound, amounting to the sum of \$2,603.00, and the damaged he thinks worth sixteen cents per pound, amounting to \$342.40, in the whole amounting to the sum of \$2,945.40; his fees for the inspection, and all the emoluments of his office, are \$42.24.

L. S. S.

All of which is respectfully submitted.

NATHANIEL PARMETER,
Inspector of Sole Leather.

Dated Potsdam, Feb. 1, 1834.

IN ASSEMBLY,

February 26, 1834.

AMENDED REPORT

**Of Benjamin C. Capron, an Inspector of Lumber in
and for the city and county of Albany.**

To the Honorable the Legislature of the State of New-York.

Annual return amended by me, Benjamin C. Capron, inspector
of lumber in and for the city and county of Albany.

Feet.

953,845	pine boards and plank,	average	\$18 00	per M.
199,593	ash plank,	"	12 00	"
1,164,171	whitewood boards and plank,.	"	11 00	"
369,748	cherry plank,	"	21 00	"
81,617	timber,	"	8 00	"
76,817	maple boards and plank,	"	10 00	"

Amount of fees,..... \$785 38

BENJAMIN C. CAPRON,
Inspector.

Albany, February 25th, 1834.

IN ASSEMBLY,

February 24, 1834.

AMENDED REPORT

Of Thomas L. Ostrom, an Inspector of Lumber in
the city of Troy.

To the Honorable the Legislature of the State of New-York.

Amount of lumber inspected and measured by me during the
year 1833, is as follows:

<i>Feet.</i>	<i>Per M.</i>	<i>Value.</i>	<i>Fees.</i>
22,293 1st qual. pine boards and pl'k.	\$30	\$668 79	
94,487 2d " " "	20	1,889 74	
165,401 3d " " "	16	2,646 41	
739,418 4th " " "	11	8,133 60	\$383 67
53,130 1st qual. whitewood chair pl'k.	32	1,700 16	
47,866 2d " " "	22	1,053 05	37 87
77,098 ash plank, mercht.....	14	1,079 37	28 90
97,173 cherry b'ds. and pl'k. mercht.	30	2,915 19	36 44
24,090 black walnut " "	30	722 70	9 03
29,243 curled maple boards, "	40	1,169 72	10 97
90,701 maple joist,.....	16	1,451 21	34 03
210,052 whitewood boards, . "	14	2,940 73	78 75
12,402 oak plank,.....	14	173 63	4 60
190,808 pine house beams,.. "	15	2,862 12	47 70
95,403 hemlock " .. "	10	954 03	23 85
26,172 pine timber, or 2,186 cub. ft. 16 cts.		349 76	4 36
1,180,906 pine b'ds. and pl'k. face meas.	\$14	15,832 68	282 72
3,106,643 total feet.		\$46,542 89	\$982 92

THOMAS L. OSTROM,
Inspector.

Troy, December 20th, 1833.

[Assem. No. 260.]

IN ASSEMBLY,
February 26, 1834.

ANNUAL REPORT

**Of Richard B. Fosdick, an Inspector of Flaxseed for
the city of New-York.**

To the Honorable the Legislature of the State of New-York.

The inspector of flaxseed, respectfully reports, that he has inspected 15,812 tierces and 740 half tierces of flaxseed, from the first January, 1833, to first January, 1834.

The value of which is \$15 per tierce, \$242,730 00

Fees for inspecting 15,812 tierces, at 5 cents, is \$790 60

“ “ 740 halves, at 3 “ 22 50

\$812 80

Expenses for deputy, &c. &c. 260 00

\$552 80

WILLIAM B. FOSDICK,
Inspector.

New-York, February 22d, 1834.

IN ASSEMBLY,

March 3, 1834.

REPORT

Of the select committee on the petition of John N. Quackenbush and others.

Mr. Staats, from the select committee consisting of the members of Albany county, to which was referred the petition of John N. Quackenbush and others, dealers in lumber,

REPORTED:

That the law at present restricts the number of inspectors of lumber to five; that in consequence of the increase of the lumber trade, it is impossible for the present number to attend to the increased wants of the public, without causing great delay. Your committee are therefore of opinion, that the prayer of the petitioners ought to be granted, and have directed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,

March 3, 1834.

REPORT

Of the committee on claims, on the petition of Joseph E. Smith & Co.

Mr. Ingalls, from the committee on claims, to whom was referred the claim of Joseph E. Smith & Co., asking for an extra allowance for the construction of sections No. 4 and 5, on the Oswego canal,

REPORTED:

That so far as the facts are contained in the report of the Canal Commissioners, (Assembly Documents, No. 209,) they have come to the same conclusion with the Commissioners, that the petitioners are not entitled to further relief. But there is one ground upon which the petitioners claim damages, that seems to have escaped the notice of the Commissioners in making their report, by means of which they sustained great loss, viz: sickness amongst their hands.

It appears by a former report of the Canal Commissioners to the Assembly, on the 3d of March, 1829, which will be found in the Journal of the Assembly of that year, at page 629, that great mortality prevailed amongst the men employed by the petitioners upon these two sections, and that about fifty of the hands died; it also appears by the report of the resident engineer, Mr. Jerome, in 1828, to the Canal Board, that these two sections, and in the neighborhood of them, was the place where the sickness prevailed the most; that in consequence of the great mortality which prevailed in this place, it was extremely difficult to obtain laborers; and those that could be obtained, were generally of the poorest kind, and exacted exorbitant wages. The contractor informed him

that something less than two hundred men died, and left him, in the sickly part of the season, in consequence of the sickness.

It also appears by his testimony, taken before the Canal Board, March 1st, 1828, that the loss of the petitioners in consequence of sickness of their hands, was \$1,355.37.

Your committee have come to the conclusion that the petitioners, by no forecast, could have anticipated this providential occurrence when they entered into the contract, and are of opinion that they are entitled to the relief which they ask on that account, and have directed their chairman to introduce a bill for their relief.

IN ASSEMBLY,

March 1, 1834.

REPORT

**Of the Commissioners of the Land-Office, on the
petition of Phineas Waller and others.**

The Commissioners of the Land-Office, to whom was referred by the honorable the Assembly, the petition of Phineas Waller and others,

RESPECTFULLY REPORT, AS FOLLOWS:

In 1789, letters patent were issued to John Garnsey, on a location made by him, of one thousand acres of land in the (now) county of Broome, bounded east by the Susquehannah river, and extending thence west so as to comprehend that quantity of land, as nearly as might be, in the form of a square. The person who was employed to make the survey calculated it so as to contain the given quantity with the usual allowance for highways, as was the practice with the colonial government, and made his report accordingly: As this was inadmissible, the Surveyor-General gave such a description of it, by taking three chains and twenty links from the west side of the tract, as to contain precisely the quantity located, leaving the bounds in other respects unaltered; the part so cut off contained between forty-five and forty-six acres. In the year 1812, it became necessary to have the adjoining lands surveyed, and instructions were given to have the line for the west bounds of Garnsey's tract run as described in the patent. A grant to Henry Nichol has since been made by the State, of a tract bounded on this line, to the extent of thirty-one chains from its northern termination, along the remaining part, one hundred and

twelve chains and twenty-six links. The land still remains vacant.

Respectfully submitted.

SIMEON DE WITT, *Surveyor-Gen'l.*

JOHN A. DIX, *Secretary.*

GREENE C. BRONSON, *Att'y-Gen'l.*

Albany, March 1, 1834.

IN ASSEMBLY,

March 3, 1834.

REPORT

Of the select committee on the memorial of Nathaniel Bacon and others.

Mr. Marvin, from the select committee to which was referred the memorial of the executors and heirs at law of David Bacon, deceased,

REPORTED:

That David Bacon died in 1831, having made a will by which he disposed of his property in equal proportions to his children, who are the present petitioners.

That he directed his executors to execute to his daughter, Lucy Starr, a deed in trust, for the benefit of her heirs, of all that part of his real estate which should be designated as her share, giving to her the use and enjoyment of it during her life; and in the division of his personal estate, he directed the portion which would fall to his daughter to be placed in the hands of trustees, for the benefit of her children, or for her use, as they should judge most expedient, and appointed his said sons trustees, and also executors of his last will and testament.

The memorial is signed by the trustees, and also by the said Lucy Starr and her husband, and is accompanied by a copy of the will, verified by the affidavit of one of the memorialists.

It states among other things, that the will has been duly proved, and that a partition of all the lands of which the said David Bacon died seized, has been made in the Supreme Court of this State; and that by the said partition, according to the terms of the will, a certain lot of land, containing about 204 acres, lying in the county

[Assem. No. 265.]

of Chautauque, has been designated as the share of the said Lucy Starr. That a greater part of the same is wood-land, in a state of nature and wholly unproductive.

And the petitioners state, that they believe it would be of great advantage to the said Seth Starr and his wife, and their children, if the said trustees were authorized to sell and convey the said lot, and invest the proceeds in other lands.

Your committee concurring with the petitioners, ask leave to introduce a bill for that purpose.

IN ASSEMBLY,

March 3, 1834.

REPORT

Of the committee on claims, on the petition of Lyman Littlefield and Joseph Campbell.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Lyman Littlefield and Joseph Campbell, for damages to their lands at the waste-weir near Smith's store, in the town of Kingsbury, county of Washington,

REPORTED:

That the petitioners state that they are each the owners of a farm on the east margin of Wood creek, containing about one hundred acres ; that said farms are situated opposite to the waste-weir at Smith's store, in the town of Kingsbury; that the land was wholly intervale meadow land of great value and fertility, previous to the construction of the Champlain canal and the aforesaid waste-weir; that by reason of the continued discharge of the surplus waters of the said canal, and the repeated draining thereof through the said waste-weir, since its erection, into Wood creek, its waters have been so augmented, swollen and thrown upon the lands of the petitioners, that about seventy acres of the said land have been rendered almost wholly useless. And the petitioners further state, that their crops upon the residue of the lots have been several times destroyed and swept away upon the residue of said farms.

That their damages were appraised by the canal appraisers up to the year 1829, and they receipted the same. That since that time they have suffered continual damages.

That since the appraisal of their damages, the waste-weir next south of the one already mentioned has been closed, and the waste-

[Assem. No. 266.]

weir complained of greatly enlarged, whereby double the usual quantity of water has since been discharged through said waste-weir, and the injury to the lands of the petitioners greatly increased. Upon the principle already established by the committee, in the case of John M'Intyre and others, your committee are of opinion that the prayer of the petitioners ought to be granted, and have instructed their chairman to ask leave to add a section, to a bill already reported, entitled "An act for the relief of Isaac Allen and others," for their relief.

IN ASSEMBLY,

March 4, 1834.

REPORT

**Of the committee on claims, on the petition of
Henry N. Patten.**

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Henry N. Patten, praying for damages in consequence of the destruction of his well by the Erie canal, and for remuneration for building a bridge,

REPORTED:

That the petition alleges, that previous to the construction of the Erie canal, he had upon his farm in the town of Rotterdam, in the county of Schenectady, a well of pure water, and that in consequence of the porous nature of the soil adjacent to his well, when the water was let into the canal upon that level, it leached through the soil and commingled with the water in his well, and rendered it impure and unfit for use; besides, he alleges that in consequence of the canal pursuing the original track of the road, it became necessary to lay out a new piece of road, and the well has been filled up by the direction of the overseers of highways. He alleges that Mr. Seymour has paid him one hundred dollars for the loss of his well, and promised to pay him a sufficient sum in addition thereto to enable him to procure good water; the latter allegation is proved by testimony aside from the petition. The petitioner further alleges, that he has expended rising of one hundred and twenty dollars, and has not yet obtained a supply of water.

The chairman of the committee waited upon Mr. Seymour, and he expressly denied having made any contract for any further allowance beyond the one hundred dollars, and said that this was

deemed by the Commissioners at the time to be a full and adequate allowance for the loss of his well.

He further alleges, that in 1827 he was requested by the hon. Henry Seymour to build a foot bridge across the canal near his premises, which he built and has never received any compensation therefor. The chairman of the committee conferred with Mr. Seymour upon the subject, and he denies any contract with the petitioner, but said he had told him, if the bridge was built in a suitable place to accommodate the petitioner, and one James F. Bradt, he would pay the petitioner for building the same, if he made similar allowances to others. The petitioner has produced the affidavit of said Bradt, showing that he is satisfied with the location; and Mr. Seymour says he has in some instances paid for bridges of this description. Your committee think that the prayer of the petitioner, upon this branch of his case, ought to be granted, and have instructed their chairman to ask leave to bring in a bill for his relief.

IN ASSEMBLY,

March 4, 1834.

PREAMBLE AND RESOLUTION

**Offered by Mr. Bagley, in relation to the memorials
of Jacob Trumpbour and Holmes Hutchinson.**

Mr. Bagley offered for the consideration of the House, a resolution with a recital, in the words following, to wit:

Whereas a select committee was appointed by the Legislature in 1832, of which Judah Hammond was chairman, and to whom was referred the memorials of Jacob Trumpbour and Holmes Hutchinson, who had power to send for persons and papers; and it appearing by the report of said committee, that that part of the survey of the canals belonging to the State, and now under progress by the said Holmes Hutchinson, who was appointed by the Canal Commissioners to make such survey, is not an actual location on the ground, nor in conformity to the Revised Statutes, vol. 1st, page 218: Therefore,

Resolved, (If the Senate concur,) that the Canal Commissioners suspend all further operations, and cease all further proceedings in relation to said survey, until the meeting of the next Legislature, and their action thereupon,

IN ASSEMBLY,

March 4, 1834.

REPORT

**Of the committee on the petition of Isaac Wendell
and others.**

Mr. Bull, from the committee to which was referred the petition of Isaac Wendell and others, inhabitants of the county of Rensselaer, asking for the incorporation of a society for the apprehension of horse thieves,

REPORTED:

That from an examination of the facts before your committee, elicited by the presentation of the petition, they have come to the conclusion that the prayer of the petition ought to be granted.

It is, however, the opinion of your committee, that if the incorporation asked for is granted, it will be an extension of the regulations in regard to the police of the State. But when individuals voluntarily associate together, by any compact whatever, showing clearly they have for their object the detection and punishment of crimes, your committee believe such associations may with propriety ask for legislative aid.

The petitioners believe, (and your committee have come to the same conclusion,) that, if the prayer of the petition is granted, the fund to constitute the stock of the company will be much more easily obtained; and thereby enable the society more promptly to defray the expenses of pursuit of the many felons who prey upon society.

It has been considered expedient heretofore, to encourage those who may have been desirous of improvement in the breed of horses, to grant, and from time to time extend, by legislative enact-

[Assem. No. 269.]

ment, the right of establishing race courses, and horse races, notwithstanding their conceded demoralizing tendency. Such privileges, however, have had the effect, undoubtedly, to improve the breed of horses, and to such a degree that the loss of one is severely felt.

Your committee believe, that the privileges asked for may be granted, and thereby afford to the petitioners further encouragement, by trials of speed in pursuit of felons, without the expenses of a race course, and also protection without any hazard of the morals of community.

The petitioners have been organized as a society, as have others in different parts of the State for several years; and it is stated, and such statement is worthy of consideration, that where societies of this kind have been organized, felons of the description mentioned in the petition, as well as others, (where their depredations have been committed in the neighborhood of such societies,) have been uniformly apprehended and brought to justice.

Your committee have therefore directed their chairman to ask leave to introduce a bill, according to the prayer of the petitioners.

IN ASSEMBLY,

March 4, 1834.

ANNUAL STATEMENT

Of the affairs of the Ontario Savings Bank, as they
existed on the first day of January, 1834.

To the Honorable the Legislature of the State of New-York.

The managers of the Ontario Savings bank, in pursuance of the tenth section of the act incorporating the said bank, passed April 20th, 1830, which requires the corporation to make an annual report to the Legislature of this State of their funds and investments,

HEREBY RESPECTFULLY REPORT:

First.—That the books of this institution were first opened on the 28th day of April, 1832, since which time there has been deposited the sum of one hundred and eighteen thousand one hundred and twenty-six dollars and thirty-five cents, in one thousand and forty-one depositories.

Second.—That there has been drawn out, in eight hundred and thirty-five drafts, the sum of seventy-eight thousand six hundred and sixty-nine dollars and thirteen cents; leaving in the bank, at the date of this report, thirty-nine thousand four hundred and fifty-seven dollars and seventy-two cents.

Third.—All the monies in the bank, at the date of this report, are loaned out on satisfactory security, according to the provisions of the act of incorporation.

Dated January 1st, 1834.

WALTER HUBBELL, *President*,
HENRY F. PENFELD,
J. WILLSON.

State of New-York, Ontario county, ss.

Walter Hubbell, president, and Henry F. Penfield, secretary, of the Ontario savings bank, being duly sworn, say, and each for himself says, that he believes the foregoing report to be just and true.

WALTER HUBBELL,
HENRY F. PENFIELD, *Secretary.*

Sworn, this 26th day of February, 1834,
before me,

J. CHIPMAN,
Commissioner of deeds of Ontario county.

IN ASSEMBLY,

March 5, 1834.

REPORT

Of the Judge Advocate General, on the amount of official business performed by him, in obedience to a resolution of the Assembly of the 3d instant.

JUDGE ADVOCATE GENERAL'S OFFICE, }
Albany, 4th March, 1834. }

The Judge Advocate General, in obedience to the resolution of the House of Assembly of the third instant, a copy of which is annexed,

RESPECTFULLY REPORTS:

That since the appointment to office of the undersigned, in the year one thousand eight hundred and twenty-one, the general nature of the official business of this office has consisted:

1. In references to him from the Commander-in-Chief, for opinions upon appeals from the decisions of courts martial.
2. Opinions given to officers in answer to inquiries by letter and personal applications, as to constructions of the militia laws.
3. Opinions to division and brigade judge advocates upon questions incidentally arising upon trials before courts martial and otherwise.
4. Distribution of blank forms of returns, precepts, warrants, &c., necessary in his department.

For several years past, it has been the course of the Commander-in-Chief, generally to refer all appeals to this office for opinions thereon before any decision; which opinions were submitted in writing; latterly this part of his duty has not been required of him.

The applications to this office, both by letter and personally, upon questions arising under the militia laws by officers of the militia, while the undersigned has been the incumbent, have always been and continue to be, of frequent occurrence; but the greater part of the duties, particularly during the two preceding years, have been the decisions of questions submitted to this office by the subordinate judge advocates and by militia officers. No new forms have been required since those which were prepared by the undersigned, and published with the militia law in 1823.

The undersigned cannot report to the House of Assembly "the amount of official business performed by him," otherwise than by stating its general character as above mentioned, nor "the time which he has devoted to the discharge of its duties," except by answering, that often times individual cases which are submitted to him occupy him several days in their examination, and preparation for an opinion; and the general remark, that scarcely a week has occurred in any year during his official term, that he has not been called upon to act in the duties of his office, occupying more or less of his time, as the nature of the case required.

The undersigned is not apprised that his official duties have been performed by any other person than himself, nor does he know that any one has volunteered the performance of his official duties; and he begs leave respectfully to say, that he is not aware that any requirements have been made of him in the duties of his office, which have not been promptly executed.

Respectfully submitted.

G. V. DENNISTON,
Judge Advocate General.

RESOLUTION.

STATE OF NEW-YORK,

IN ASSEMBLY, *March 3, 1834.*

Resolved, That the Judge Advocate General be requested to report to this House, the amount of official business which has been performed by him in each year during the term in which he has held that office, and the time which he has devoted to the discharge of its duties; and if no services have been performed by him in his official capacity, that then he be requested to report to this House by whom his official duties have been performed, and the reason why they have not been performed by himself.

By order,

P. REYNOLDS, Jr., *Clerk*.

No. 275.

IN ASSEMBLY,

March 4, 1834.

REPORT

**Of the select committee on the petition of David
Brown and others.**

Mr. Ringgold, from the select committee to which was referred the petition of David Brown and others, praying for the incorporation of the Marine Dry-Dock Company of the city of New-York,

REPORTED:

That the committee have had the said petition under consideration, and believing that the increase of shipping in the port of New-York calls for additional facilities for the repair of vessels, and having full confidence in the representations of the memorialists, they ask leave to introduce a bill.

[Assem. No. 275.]

1

No. 276.

IN ASSEMBLY,

March 5, 1834.

AMENDED REPORT

**Of Francis Peckwell, Inspector-General of Staves
and Heading in the city of New-York.**

To the Honorable the Legislature of the State of New-York.

Amended report of the Inspector-General of staves and heading in the city and county of New-York, stating the number of staves and heading culled in the city and county of New-York, from the first day of January, 1833, to the first day of January, 1834, together with the average price and the probable value thereof, and the fees and emoluments he derives from his office, made in pursuance and in accordance with the statutes, in such cases made and provided.

[Assem. No. 276.]

1

Quantity, quality and value of staves inspected.

	No. of staves and headings of this and other States.	Nett amount of staves and heading culled.	Average price of the same.	Probable value thereof.
Prime pipe staves, the produce of the State of New-York,	1,800,547			
“ “ “ “ other States,	460,514	2,200,661	\$50 per 1000	\$120,033 05
White oak staves, the produce of the State of New-York,	2,149,982			
“ “ “ “ other States,	266,904	2,416,886	30 per 1000	72,506 58
Red oak staves, the produce of the State of New-York,	84,303			
“ “ “ “ other States,	1,191,096	1,275,399	20 per 1000	25,507 98
Heading, the produce of the State of New-York,	39,997			
“ “ “ “ other States,	40,157	80,154	34 per 1000	27,252 36
Barrel staves, the produce of the State of New-York,	66,742			
“ “ “ “ other States,	125,549	192,291	20 per 1000	3,845 82
Refuse pipe staves, the produce of the State of New-York, . . .	171,688			
“ “ “ “ other States,	86,326	260,009	24 per 1000	6,240 26

[ASSEMBLY

Refuse white oak staves, the produce of the State of New-York, " " " " other States,.....	224,914 94,939	329,853	15 per 1000	4,947 79
Refuse red oak staves, the produce of the State of New-York, " " " " other States,.....	53,408 303,250	361,658	10 per 1000	3,616 58
Refuse heading, the produce of the State of New-York,, " " " " other States,.....	10,528 15,553	26,081	17 per 1000	443 37
Refuse barrel staves, the produce of the State of New-York,.., " " " " other States,.....	50,018 165,686	235,704	11 per 1000	2,592 74
Total amount of the number of staves and heading,.....	7,388,696			\$268,986 53

The fees and emoluments arising from his office, amount to \$738.86, being 10 cents for every 1000. And he knows of no legislative enactment that will tend to improve the quality or increase the quantity of the article he inspects.

All of which is respectfully submitted.

FRANCIS PECKWELL, *Inspector-General.*

IN ASSEMBLY,

March 5, 1834.

REPORT

Of the select committee on the petition of sundry inhabitants of the village of Ulster, for the incorporation of a company to build a pier.

Mr. Morehouse, from the select committee to whom was referred the petition of sundry inhabitants of the village of Ulster, praying for the passage of a law incorporating a company to build a pier for a steam-boat landing, at the mouth of Esopus creek,

REPORTED:

That they have had the same under consideration: that the facts relative to said petition, as it appears to your committee, are, that the village of Ulster has, in the last few years, become one of extensive commerce and manufactures; and that a great many passengers, when the navigation is open, daily arrive at, and depart from it who are compelled to go to Red-Hook landing, on the other side of the river, and about two miles lower down, much to the inconvenience of the passengers wishing to go to or from said village, and to and from steam-boats on the Hudson river. A pier, built as proposed by the petition, in the opinion of your committee, would be very useful and convenient to passengers as aforesaid; and also that the light proposed to be placed on the outer end of said pier, would be useful in navigating the said river.

Your committee are, therefore, of the opinion that the prayer of the petitioners ought to be granted; and ask leave to introduce a bill for that purpose.

IN ASSEMBLY,

March 5, 1834.

TENTH ANNUAL REPORT

Of the directors of the Central Asylum for the instruction of the Deaf and Dumb, at Canajoharie.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK:

The directors of the Central Asylum for the instruction of the Deaf and Dumb, are enabled through the kindness of a beneficent Providence, to present to the Legislature their tenth annual report, containing an account of the condition of the institution under their care for the year 1833.

Annexed, is a statement from the treasurer, of the receipts and expenditures of the institution, by which may be seen, that some of the former demands against the institution are paid, and a prospect of a speedy extinguishment of the whole.

Also a list of the officers; and of the pupils now in the institution, with some specimens of their original, uncorrected composition.

There are thirty-one pupils now in the institution, twenty-four of whom are supported by the State; two by the county of Montgomery, and the remainder by their friends. The males are under the constant supervision of one of the teachers, and the females, when out of school, are under the care of a matron, and seamstress, who teach them needlework, &c.

While in school, they are all under the instruction of the principal and an assistant, and when not in school, they board in a building contiguous to the school, (which is rented for that purpose,)

under the immediate care of the principal and his lady, and we have the best assurance that every department is conducted with strict economy and propriety.

At present we have but two branches carried on by the males when out of school; one is agriculture, the other is printing, under the direction of the assistant, Mr. Backus, who is a practical illustration of the advantage of instruction to a deaf mute.

We have before stated to the Legislature, that the want of funds has been the reason why we have not erected suitable buildings for the mechanical branches, or an addition to the building, sufficient to accommodate all the pupils with board under the same roof with the school.

The advantages of such arrangements, it is not necessary at this time to discuss, but would refer to the 14th annual report of the New-York Institution, and to the different institutions of the deaf and dumb in the United States, for a proof of the facts, and we hope this institution will not be suffered to languish, and the deaf mutes consequently be deprived of some of the benefits which may be bestowed upon them, and which their situation demands.

A sum sufficient to enable us to carry the foregoing designs into execution, we think would materially benefit the cause of the deaf and dumb, and enable those now here, and those who may hereafter come here, to be useful citizens, and good members of community.

For the reasons why we think this location preferable to New-York, we would refer your honorable body to the former reports and memorials from this institution, and in addition we would state, that from observation within a few years past, we are confident that there should be an institution west of Albany; many parents of deaf mutes have expressed themselves to us, they would not consent to send their children to New-York for two reasons; one is, the distance from home; the other, the proximity to a large city, which renders their children more liable to contagious diseases, and to the contaminating influence of vice, than they would be in the country.

We therefore trust that you will deem it expedient to furnish us with the necessary funds, and authorise the Superintendent of

Common Schools to send an additional number of pupils from each district, agreeable to a memorial herewith presented.

By order of the Board of Directors,

SETH WETMORE, *President.*

O. W. MORRIS, *Secretary.*

OFFICERS OF THE INSTITUTION.

Hon. Seth Wetmore, President.

Hon. William Campbell, Vice-President.

Rufus Morris, Esq. Treasurer.

Oran W. Morris, Secretary.

DIRECTORS.

Hon. William Beckman,

Hon. Michael Hoffman,

Robert Bowman, Esq.

Simon D. Kittle,

Michael Van Deusen,

Rev. William Evans,

David Otman,

Abial Bingham,

Abraham Mudge,

Peter Walrad, Jr.

Willard R. Wheeler.

Oran W. Morris, Principal.

Levi S. Backus, Assistant.

Mrs. S. Morris, Matron.

Miss H. Morris, Seamstress.

DOCUMENTS.

TREASURER'S ACCOUNT.

*The Central Asylum for the instruction of the Deaf and Dumb, in
Account Current with the Treasurer, from January 15th, 1833, to
January 15th, 1834.*

Receipts in 1833.

From Comptroller, for State pupils,	\$1,894 27
“ Supervisors of Montgomery,	200 00
“ Pay and part pay pupils,	328 31
	<hr/>
	\$2,422 58
	<hr/>

Expenditures in 1833.

For superintendence, tuition, servants, &c.	\$774 76
“ Rent of boarding-house and lot,	150 00
“ Provisions, wood, &c.	1,002 98
“ Medical attendance,	14 00
“ Former debts to different persons,	480 84
	<hr/>
	\$2,422 58
	<hr/>

Other Donations.

Editors of the Saturday Courier,	\$2 00
“ Sunday School Journal,	2 00
“ Albany Gazette,	4 00
“ Christian Mirror,	2 50
“ Evening Star,	4 00
“ Utica Observer,	2 00
“ Tract Magazine,	50

LIST OF PUPILS

In the Central Asylum for the instruction of the
Deaf and Dumb, Jan. 1, 1834.

State Pupils.

First District.

Catharine Fonda,
Daniel Cahoon,
Mary Ann Baker.

Second District.

Sarah Guile,
Jonathan B. Davis,
Huldah Cahoon.

Third District.

Catharine Lewis,
William Fuller,
Flavia Robinson.

Fourth District.

Maria Guile,
Maria Garlock,
Susan Hale.

Fifth District.

Charles H. Peck,
William R. Martin,
Mary Ann Williamson.

Sixth District.

Livi Chapman,
Sally Ann Enos,
Amariah Enos, Jr.

Seventh District.

Aaron W. Hedden,
Elizabeth Covert,
Albert Covert.

Eighth District.

Joseph C. Dudley,
Jane M. Bennett,
Corinthia O. Bardick.

Pupils supported by the supervisors of the county of Montgomery.

Eliza Alkenbrach,

Gertrude Lettis.

Pay Pupils,

Henry Lansing,
Jonas More, Jr.
Jane Eycleshimer,

James Forbes,
James Covert.

The following have left the Asylum, (those marked
with an asterisk, were supported wholly or in part
by the State.)

Susannah Bowman,
Elisha Bowman,
Eliza Bowman,
George W. Campbell,
*Polly Flint,
*Sally Burt,
Catharine Thompson,

*Julia Weeks,
*Amariah Babbit,
*Nancy Philips,
*Silas Banzier,
*Laura Lyons,
Chancey Hyde, Jr.
Andrew M. McKinney,

Mary Scranton,
 *Michael Teller,
 *Mary Timmerman,
 Elijah Bristol,
 *John Smith,
 Frederick Fox,
 *Laura Scovel,
 *Aaron McGraw,
 *Worcester Heath,
 Stewart W. Speirs,
 *Charles Dutton,
 Nelson Cook,
 *Hannah Ormsby,
 *Anna R. Ormsby,
 *Ira C. Seelye,
 *Sally Flint,
 Eldert Lansing,
 *Isabella Gow,
 *Eleanor Reid,
 George C. Clark,
 *Samuel B. Wykoff,
 *John Cramer,
 Solomon Garlock,
 *Roxanna E. F. Phillips,
 *Clarissa E. Phillips,
 *Marcia Bartlett,
 *Andros Baldwin,
 *Matilda Jewel,
 Louisa Kelsey,

Orpha Lyman,
 *Minard Smith,
 John Page,
 Rensselaer Brigham,
 Ira Marvin,
 *Catharine P. Ellarson,
 *Mary Flint,
 *Israel Bacon,
 *Gertrude Decker,
 *Almira Betts,
 *Robert Bell,
 Silence Taber,
 *Franklin Scovel,
 Lovinus B. Taylor,
 *Erastus H. Brewster,
 *Perry Plato,
 Jacob La Grange,
 *Eliza Scott,
 Dexter Parsons,
 *Maria La Grange,
 *Susannah La Grange,
 *Amanda Flanders,
 *Ira W. Lewis,
 *Leverett Spencer,
 Gerrit I. Vandenberg,
 *Louisa Cox,
 *William M. Searl,
 Jane Buck.

Specimens of uncorrected original compositions.

By a little girl 11 years of age.

AN ACCOUNT OF A SHORT EXCURSION IN THE FALL.

On Tuesday a man came here and took my sister and me and we drove to Oppenheim and staid till the morrow And we journeyed to Little Falls. I say I wish to see Miss Mary Holt, but he told me she was gone to New York last one week. We journeyed to Herkimer, in the evening and staid in the tavern. On the morrow my father bade adieu to me. And we journey and saw a very good city. And we journeyed to Clinton and Morrisville and Hamilton and we staid there two days. Then we went to Madison and New Hartford. And we journey to Utica. My friend Mr Brown gave a letter to me. I was glad to see a letter. In two days Mr Brown went to Oppenheim. We sailed in the boat, we stay one day and evening and stop in the boat. We stopped on the ground at Fort Plain. And we drove in the evening. We arrived at the Central Asylum.

By a young lady 2 years at school.

Isaac was blind. He was very old. Isaac sent to Esau, and he said my promise gave the estate to him. Esau was glad. He went to kill a deer. Jacob heard he was gone to kill the deer in woods. He lived in the tent. Jacob killed a kid and cooked it. He came and gave to Isaac and he ate and blessed Jacob.

By a young man 1 year at school.

Washington was very brave. He conquered the Englishmen. Washington was born in Virginia. He rode a very white horse. He was 68 years old when he died. He was at war 8 years, before he conquered the Englishmen. He was very wise.

By a young man 1½ years at school.

SIR WALTER RALEIGH.

Walter Raleigh was born in England in 1552. He was sent to college by his father, but he wished to sail. He went from England. In 1583 he was sailing to America and when he discovered Virginia. Walter Raleigh was the first person who introduced tobacco into England. This story is told of him. When he was one day smoking in his room his servant entered. He was very fond of a pipe and smoke was issuing from his mouth in large volumes. The servant was much alarmed and thought he was on fire. When he threw a pitcher of beer which he has in his hand on his master. And extinguished him. He was laughed at by his servant.

By a young lady 14 years of age; 4 years in school.

SOCRATES.

Socrates was the most famous philosopher of all antiquity. He was a native of Athens. His father was a statuary for some years. Socrates followed the same occupation, and was also a statuary for some years. He afterwards devoted himself to the study of philosophy. He began to instruct his countrymen. He was very bold in reproving their wrong and vice. But they were angry and envied him. His countrymen suspected, and said he was a bad character. Socrates was brought before the tribunal on some charges. But he pleaded his innocence. His judges found him guilty. Socrates was sentenced to drink poison hemlock. During 30 days he conversed with his friends with the greatest wisdom and composure. The executioner presented him the cup of hemlock with tears.—While Socrates drank it with perfect calmness. And was not afraid to die, and then soon expired. This happened 400 years before Christ.

By the same.

ON THE DISCOVERY OF AMERICA.

Christopher Columbus discovered America in the year 1492. Columbus was born in the city of Genoa in Italy. He first went to sea when he was 14 years old. Columbus wished to go to see a new Continent. He asked a king and queen and they consented to assist him. He sailed across the Atlantic Ocean from a place called Palos with three ships. They were called the Santa-Marta, Pinta and Nigna. They contained 90 men. No one had crossed the Atlantic before. The Atlantic Ocean which Columbus crossed is 3000 miles wide. He performed the voyage in two months. He sailed 60 days and he could not find land. The Captains and sailors were very angry and afraid. They thought they should not return to Spain and threatened to cast Columbus into the sea. Columbus was not afraid and said he promised in three days they should return to Spain if they could not find land. The third day came and began to be light. Columbus was full of anxiety and walked the deck and soon heard the cry "Land" "Land." The sailors and Columbus were very glad and wept. Columbus assembled the men and prayed and thanked God and sang the psalm. In the morning they landed upon the Island, and found it inhabited by Indians. Indians never saw the whites before. Columbus viewed the land and called it San Salvador, now Cat Island. Columbus returned to Spain. Columbus was 45 years of age when he discovered America. He died in 1506 when he was 58 years old. He was willing to die.

IN ASSEMBLY,

March 5, 1834.

COMMUNICATION

**From William Bard, President of the New-York
Life Insurance and Trust Company, in obedience
to a resolution of the Assembly.**

To the Honorable the Speaker of the House of Assembly.

SIR—

In compliance with the resolution of the House of Assembly, I enclose a list of the Agents of the New-York Life Insurance and Trust Company, appointed since the 1st day of Jan'y, 1831. I take the liberty, also, of adding the names of those appointed previous to that period. I also enclose a list as required, of the stockholders.

With sentiments of the
Greatest respect,
Your ob't servt.

WM. BARD, Pres't.

Albany, March 4th, 1834.

[Assem. No. 279.]

Agents appointed by the New-York Life Insurance and Trust Company, from the 1st day of January, 1831, to the 24th February, 1834.

Names of Agents.	Residence.	When Appointed.
Lot Clark,	Lockport, Niagara.	March 1, 1831.
Egbert Ten Eyck,	Watertown, Jefferson.	July 20, 1831.
D. Russell,	Salem, Washington.	July 1, 1831.
Andrew J. Yates,	Oswego, Oswego.	Feb'y 23, 1832.
Fred'c. Whittlesey,	Rochester, Monroe.	March 27, 1832.
John Birdsall,	Mayville, Chautauque.	Nov. 3, 1832.
H. J. Redfield,	Le Roy, Genesee.	Dec'r 12, 1832.
L. Hoyt,	Albany.	March 5, 1832.
Thomas Maxwell,	Elmira, Tioga.	Nov. 22, 1832.
Edw'd Howell,	Bath, Steuben.	May 12, 1832.
Stephen Mack,	Ithaca, Tompkins.	Nov. 5, 1833.
James Clapp,	Oxford, Chenango.	Nov. 1, 1832.
Judiah Elsworth,	Saratoga.	Nov. 27, 1832.
Jonas Platt,	Plattsburgh, Clinton.	Dec. 6, 1832.
Francis Seger,	Martinsville.	Nov. 7, 1833.
Charles Stebbins,	Cazenovia, Madison.	June 12, 1833.
Isaiah McConihe,	Troy, Rensselaer.	Jan'y 16, 1833.
D. S. Dickinson,	Binghamton, Broome.	May 14, 1833.

The above are all the agents appointed by the New-York Life Insurance and Trust Company, since the 1st January, 1831, none of whom have resigned.

February 27, 1834.

A. NICOLL, Sec'y.

Agents appointed by the New-York Life Insurance and Trust Company, previous to the 1st January, 1831.

Names of Agents.	Residence.	When Appointed.
Charles Butler,	Geneva, Ontario.	June 16, 1830.
B. D. Nixen,	Syracuse, Onondaga.	" "
Wm. B. Ludlow,	Claverack, Columbia.	" "
C. P. Kirkland,	Utica, Oneida.	" "
L. Hasbrouck,	Ogdensburgh, St. Law.	Sept. 7, 1830.
Geo. B. Throop,	Auburn, Cayuga.	Oct. 5, 1830.
A. Cook,	Cooperstown, Otsego.	Nov. 25, 1830.
L. F. Allen,	Buffalo, Erie.	Aug. 23, 1830.
P. C. Fuller,	Genesee, Livingston.	June 7, 1830.
*Eben Mack,	Ithaca, Tompkins.	Aug. 3, 1830.
†Cary Murdock,	Albany.	" "

* Resigned Sept. 23, 1833. † Resigned Sept. 9, 1831.

WM. BARD, Pres't.

Names of Stockholders in the New-York Life Insurance and Trust Company, with the number of Shares held by each, on the first day of January, 1884.

	Shares.		Shares.
John Jacob Astor,	181	Brought forward,	
George Atkinson,	140	R. Clarkson Goodhue, ..	10
Wm. B. Astor,	303	H. Clarkson Goodhue, ..	10
Benj. F. Butler,	50	C. Clarkson Goodhue, ..	10
Walter Bowne,	50	Gallatin Brothers,	65
Isaac Bronson,	100	James A. Hamilton,	275
Wm. Bard,	50	Goold Hoyt,	100
Joseph Battell,	150	Catharine Hays,	60
Arthur Bronson,	150	Slowey Hays,	60
Wm. G. Bucknor,	87	Peter Harmony,	50
Thomas Barclay,	14	Robert Hogan,	6
Maria Banyer,	25	David Hosack,	100
Maria Berg, in trust for		Rev'd W. P. Hinds,	10
E. Lucas,	40	Jona. Huntington & Geo.	
Susan Barclay,	20	Douglass, exec'ors and	
Wm. Betts, in trust for		trustees,	37
F. Frederichen, ...	68	William James,	310
Baring, Brothers & Co. 1,500		John T. Irving,	40
John Borland,	100	Ann Jay,	20
Wm. Betts, in trust for		Washington Irving,	67
J. W. Mouritzur, ..	90	John Johnston,	10
Peter V. Belin,	24	E. P. Johnston,	12
Samuel Beardsley,	25	James Kent,	50
Hannah Channing,	100	Benj'n. Knower,	88
Catharine P. Chambers, ..	12	Thomas Knox,	20
Erastus Corning,	70	Mary Kemble,	85
John C. Clarkson,	30	Thos W. Ludlow,	300
J. G. Crookshanks,	1	Peter Lorillard,	150
Coster L. Carpenter, ...	10	Wm. B. Lawrence,	50
E. Croswell,	50	Herman Le Roy,	15
David L. Clarkson,	27	Le Roy L. Perry,	35
John Duer,	50	Mary Ludlow,	110
Ebenezer Dimon,	100	David Lydig & G. Hoyt,	
Nicholas Devereaux, ...	50	in trust for D. A. Glov-	
Wm. Durant,	50	er,	20
John Duer, in trust for		Edw. B. Lawrence,	100
Mary Burnton,	12	Lewis Lay,	50
Howard Douglas,	13	R. H. Ludlow,	10
H. C. Dekham,	100	Thos. W. Ludlow, in trust,	400
John G. Coster,	50	Maria & T. W. Ludlow,	
John Enrico,	60	in trust,	46
George Griffin,	50	John Mason,	100
Jona. Goodhue,	50	James McBride,	100
F. A. Clarkson Goodhue, ..	10	James Magee,	100
W. Clarkson Goodhue, ...	10	Elial Metcalf,	7

Carried forward,

Carried forward,

	Shares.		Shares.
Brought forward,....		Brought forward,....	
Chs. McEvers & Adam		Rob't Ray, in trust for	
Treadwell, in trust, ..	183	Cornelia Ray,	50
L. A. Millandon,	10	Roger M. Sherman,....	100
Cathe. Hays Myers,....	4	Thomas Suffern,	250
Harriet Myers,	4	Mary Sheaff,	25
Julia Myers,	3	Henry Saunders,	60
Ann Masters,	35	Charles St. John,	5
Eliza North,	100	Peter G. Stuyvesant, ...	50
Th's. J. Oakley,	100	Isaiah Townsend,	100
T. L. Ogden & T. W.		Samuel Thomson,	50
Ludlow, in trust for F.		John Townsend,	100
M. Thomas,	32	David Tomlinson,	150
Nathaniel Prime,	100	D. & C. H. Tomlinson, .	50
Thad's Phelps,	30	Rob't R. & C. G. Troup,	
Seth Perry,	50	adm's,	31
Elizabeth B. Perry,	16	Cha's G. Troup, ex'or.,	115
Oliver H. Perry,	4	G. C. Verplanck,	100
Delia Perry,	9	Stephen Van Rensselaer,	50
James Porter,	12	John Vanderbilt,	26
John Rathbone, jr.	50	Dan'l C. Verplanck,	101
Peter Remsen,	100	Stephen Whitney,	50
Beverley Robinson,	70	Tho's Van Zandt, ex'r &	
Robert Ray,	50	trustee of estate of W.	
Peter Remsen, in trust, .	36	Van Zandt,	77
Hy. & R. G. Rankin, in		Harriet Whitney,	50
trust for Marg't Gos-		Rob't White, Cashier, ..	62
man,	37	J. C. Whitmore,	34
M. Robinson, Cashier, ..	100	Narcissa P. Whittemore,	4
W. W. Russell,	94		
Carried forward,....		Total shares,	10,000

WM. BARD, *Pres't*,

IN ASSEMBLY,

March 4, 1834.

AMENDED REPORT

Of R. C. Theall, an Inspector of Oil in the city of New-York.

To the Honorable the Legislature of the State of New-York.

Returns of liver oil, commonly called cod oil, gauged and inspected by me, for the year 1833, commencing first of January, 1833, and ending first of January, 1834, all of which is respectfully submitted.

Quantity and quality of oil inspected.

MONTH.	Bbbls. straits oil.	Bbbls. bank oil.	Bbbls. shore oil.	Galls. sediment.	Galls. oil.	Expenses.
January,.....	14	2	407½	
February,	9	34	14½	1,294	
March,	19	31	10½	1,601	
April,.....	204	42½	6,095	
May,.....	9	73	83	2,379½	
June,.....	8	16	5	548	
July,.....	4	97	9	3,034	
August,.....	6	110	11½	3,339	
September,.....	68	346	168	10,178½	
October,.....	32	172	101½	6,119½	
November,.....	42	19	270	176	10,118	
December,.....	24	7	41	75	2,187½	
	75	172	1,408	698½	47,301½	\$34 26

*Value in Market.**Bbls.*

75 straits oil, containing	2,250 galls. at 46 cts.	\$1,035 00
172 bank oil, "	5,246 " 41 cts.	2,150 86
1,408 shore oil, "	39,805 1/2 " 39 cts.	15,524 12
<u>1,655</u>	<u>47,301 1/2</u>	<u>\$18,709 99</u>

My fees for inspection on 1,655 barrels at 20 cents, is.. \$325 00

Deduct expenses,..... 34 26

\$290 74

R. C. THEALL.

New-York, 1st March, 1894.

IN ASSEMBLY,

March 3, 1834.

REPORT

**Of the Surveyor-General on the petition of Bates
Cooke.**

The Surveyor-General, on the petition of Bates Cooke, referred to him by the honorable the Assembly,

RESPECTFULLY REPORTS:

That the petitioner did in 1819, purchase lots No. 290, 291 and 292, of the village of Lewiston, for the sum of \$300, of which he then paid \$39, and it appears from the Comptrollers books that he has since paid \$225.59, on his bonds for the residue of the consideration money.

In 1824, the Legislature passed an act, allowing the lots in Lewiston, which had been purchased in April, 1816, to be surrendered to the State, and in such case, to have their then present value appraised, at which the first purchasers should have the right to re-purchase them, and be credited with the moneys before paid on their respective lots.

It will be seen from the date above given, that the petitioners case does not come within the provisions of this act, and he therefore prays for an act extending to him the same relief as that which was provided for the purchasers of 1816.

Respectfully submitted.

SIMEON DE WITT,

Surveyor-General.

March 3d, 1834.

IN ASSEMBLY,
February 5, 1834.

REPORT

Of the committee on the erection and division of towns and counties, on the petition for the division of the town of Spafford.

Mr. O. Robinson, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Spafford in the county of Onondaga, praying for a division of said town,

REPORTED:

That they have had the said petition under consideration; and that by a reference thereto, and also to the notice which was posted and read at the last annual town meeting in said town, it appears that the petitioners now ask to have said town divided by a line altogether different from that mentioned in the notice. Your committee are of opinion that the rules prescribed in the Revised Statutes, in relation to notices, &c. of applications to divide towns, &c. should be substantially complied with, for the purpose of apprising the inhabitants interested therein of the contemplated division. Your committee further report, that no map of the territory applied to be set off, has been furnished your committee, in pursuance of the requirements of the statute in such case made and provided. Your committee therefore ask leave to be discharged from the further consideration of said petition, and that the petitioners have leave to withdraw the same. Your committee have therefore directed their chairman to offer the following resolutions:

Resolved, That this House do agree with the committee in their said report.

Resolved, That the petitioners have leave to withdraw their said petition.

IN ASSEMBLY,

March 6, 1834.

REPORT

**Of the committee on medical societies and colleges,
on the several memorials from the citizens of the
counties of Albany, Rensselaer, &c. for the incor-
poration of a medical college in the city of Albany.**

Mr. Winfield, from the committee on medical societies and colleges, to whom were referred the several memorials from the citizens of the counties of Albany and Rensselaer, of the young men's association and common council of the city of Albany, and of fifty students of the medical school at Castleton in the State of Vermont, praying for a law to incorporate a medical college, to be located in the city of Albany,

REPORTED:

That the committee have duly examined the claims set forth in the aforesaid memorials to an additional medical college in this State, to be located in the city of Albany; and that they find the following to be among the most prominent arguments advanced.

The memorialists represent that there are now only two medical institutions in this State; and that in the New-England States, with about the same population, nine schools are sustained, and that some of those are, in a great measure, supported by students from this State; they also represent that many of the professors in those schools belong to, and reside in this State.

The memorialists further represent, that since the organization and incorporation of the medical school at Fairfield the population of this State has more than doubled in numbers: and if it was deemed expedient and useful to public interest and necessary for

[Assem. No. 283.]

the advancement of medical science then, to incorporate an additional college to the one existing in New-York, similar reasons, having regard to the increased and increasing population of this State, would demand a law to incorporate an additional one at this time.

The foregoing are among the most prominent reasons adduced to prove the necessity of the incorporation of an additional medical school in this State, and the following among the most prominent arguments presented for its location in the city of Albany.

The memorialists represent, in favor of the last proposition, that the city of Albany contains a population of near 30,000 inhabitants; and that, in consequence of this numerous and dense population, privileges for the examination of cases, as they occur in hospital and private practice, and for anatomical dissection, must be greater than can possibly be afforded to students in villages and country towns. They also say that the facilities of access to the city, from different parts of the State, and the moderate price which will be charged for board, as well as that Albany is now the residence of many practitioners of medicine, who have secured to themselves, by an indefatigable pursuit after professional knowledge, a high eminence for science and skill, and who it is supposed may be induced to engage as professors in this institution, are all strong inducements to this location.

Aware that there were a number of medical schools in the eastern States, and that some of them had flourished for a long time, and that a part of them even now in a very flourishing condition, your committee have devoted the necessary attention to that subject, with the view of arriving at a proper conclusion in relation to the necessity of an additional school in this State. They find, from the investigation, that nine schools have been sustained in those States, with a population of only 1,959,717 inhabitants, while in this State, with the population of 1,919,409, the benefits of but two medical schools have been enjoyed. In the State of Vermont alone, and with only a population of 280,652, three schools are now respectably sustained; and from the information which they have received it appears that nearly one half of the students in the Vermont institutions are citizens and regular students of the State of New-York. While these facts are taken into consideration, and the fact that the population of this State

has increased so much since the incorporation of the last school, and that some of the medical gentlemen from this State are generally engaged as professors in the eastern institutions, it is but fair to infer, in the opinion of your committee, that the arena of competition has not been sufficiently extended in this State by the Legislature.

Your committee are willing to confess, that in their opinion, in order to support the honor and interests of the medical or any other profession, suitable guards should be thrown around the means of education, that the system itself may not only become a more perfect one, but that the object for which the student is aspiring may be made more perfectly attainable; yet at the same time, while a Legislature is bestowing a fostering care over those institutions in their State which are in successful operation, your committee are of the opinion that the further necessities of the citizens should be carefully consulted and promptly relieved.

From this view of the subject, your committee have arrived at the conclusion that it would be conducive to the interests of the medical profession as well as to public good, to incorporate another medical college in this State.

There may be some diversity of opinion in regard to the location of this institution, but under all the circumstances, your committee think it would be most advisable to locate it in accordance with the prayers of the petitioners, in the city of Albany: it is true that this location will approximate the one now in successful operation in Fairfield, within the distance of 90 miles, but whether even this will produce a collision of interests is yet to be determined by the event. The present institution in the city of New-York, perhaps, was never in a more flourishing condition than when two colleges existed in that city, so that it would appear a fair competition has a tendency to promote rather than to impair the interests, and to elevate rather than to depress the character of our public institutions. If, however, upon experiment it should be found that in consequence of the proximity of those locations, the State was not accommodated and the interests of the profession were not promoted, an arrangement might be made with the citizens of the west to remove one of those colleges to Geneva, Auburn, Buffalo, or any other place which might best subserve the purposes of those citizens of this State residing on our western bor-

ders. Upon the whole, if no more formidable objections can be urged against this location than those which have been suggested to the minds of your committee, the arguments advanced by the petitioners in favor of its location in the city of Albany, must, in the opinion of your committee, authorize and justify it.

Your committee having thus arrived at the conclusion that the necessities of the State of New-York require an additional medical school, and that its location is called for in the city of Albany, they have yet to suggest the principles upon which, in their opinion, such an institution should be established.

In order to insure the success of a medical institution, the professors should be placed over them without any other responsibilities than such as immediately relate to the instruction and polity of the school, and with the view of preserving them from every other care, it is the opinion of the committee that such endowments or appropriations should be made to the institution, previous to its organization, as might be adequate to the purchase of a site for a college, for the construction of suitable buildings, and for the purchase of all the paraphernalia which might be necessary to such a college.

Under this view of the case, your committee cannot recommend a bill for the incorporation of a medical college in this city, only on the condition that \$20,000 be appropriated for that purpose, and as they cannot in consistence with the constitutional claims upon some of the funds of this State and the great demands on the residue, recommend an endowment from the treasury; they would earnestly recommend the institution to the parental and fostering care of the common council and citizens of Albany.

Your committee have directed their chairman to report a bill in accordance with the foregoing report.

IN ASSEMBLY,

March 7, 1834.

REPORT

Of the select committee on the petition of the trustees of the village of Auburn, relative to enlarging the boundaries of said village and granting licenses to grocers.

Mr. Palmer, from the select committee to whom was referred the petition of the trustees of the village of Auburn, praying for the passage of an act further to enlarge the boundaries of said village: and to regulate the licensing of grocers; also the remonstrance of J. L. Richardson and H. Burt, against extending the limits of said village farther south,

REPORTED:

That the petitioners represent, that the act incorporating said village was passed April 18th, 1815; and by that act the present boundaries of said village of Auburn were established: that owing to the rapidly increasing population and business of the said village it has been gradually extending for some years past, so that at the present time many of the large and elegant buildings of some of the most enterprising citizens are without the present limits of said corporation: that for the purpose of equalizing the taxation, and extending the improvements, benefits and privileges of the said corporation among all of the inhabitants, the petitioners are desirous of extending the bounds agreeably to a map herewith presented.

The petitioners also further represent, that serious evils exist under the present act regulating the sale of ardent spirits; to remedy which they pray that an act may be passed authorising the trustees to grant retailing licenses. They feel confident that if

[Assem. No. 284.]

such discretion and power be granted they will be enabled to regulate and check the existing evils complained of.

The committee have also had under consideration the remonstrance of J. L. Richardson and H. Burt, praying that the bounds of the corporation of said village of Auburn may not be extended farther south. The reasons set forth in the remonstrance are, that the parts of lots proposed to be included on the south, containing several hundred acres, are owned and occupied by them, and used exclusively for agricultural purposes; and that, should they be included within the corporation, it would subject them to taxes so high as to be insupportable, and cause them to abandon their agricultural pursuits.

Your committee, therefore, after having attentively examined the several papers submitted to them, have come to the conclusion that the prayer of the petitioners, so far as relates to extending the bounds of the said corporation north and west, and of authorising the trustees to grant retailing licenses, ought to be granted; and ask leave to introduce a bill.

No. 285.

IN ASSEMBLY,

March 8, 1834.

REPORT

**Of the Attorney-General, on the petition of William
Gilliland.**

STATE OF NEW-YORK, }
Attorney-General's Office. }

TO THE SPEAKER OF THE ASSEMBLY.

Sir—

I submit herewith a report on the petition of William Gilliland, referred to me by the Assembly.

Your ob't. servant,

GREENE C. BRONSON.

Albany, March 8, 1834.

[Assem. No. 285.]

1

REPORT, &c.

The Attorney-General, to whom was referred by the Assembly, the petition of William Gilliland, respectfully submits the following

REPORT:

The petitioner prays remuneration for the costs and expenses which he incurred in the prosecution of an action of ejectment, to recover the possession of a piece of land which he purchased from the State: the amount of the costs he states at about \$110, besides a counsel fee of \$50. The facts of the case are briefly as follows.

In 1792 the Surveyor-General sold and conveyed to the petitioner 50 acres of land (commonly called the survey 50 acres) in the south-east corner of lot number 20, in the Township of Hector, for \$26.75. This lot, with two others in the military tract, had been granted to Maj. Geo. C. Nicholson, of Livingston's regiment, in the New-York line. About the year 1805 the three lots were recovered, on the ground that they had escheated to the people on the death of Nicholson. In 1808 a patent was issued to Elijah Miller for about 200 acres of land on the east end of the lot in question, including the 50 acres which had been previously granted to the petitioner. The sale to Miller was made at a price less than the actual value of the land, on the ground, that he was the occupant in his own right, and entitled to the benefit of the improvements which had been made on the land. [See Laws 1803, chap. 88: 3 Web. 401, sec. 6.]

About the year 1828 the petitioner brought an action of ejectment against Phineas Colver, and recovered the possession of the 50 acres of land which had been conveyed to him by the Surveyor-General in 1792. The case was before the Supreme Court, and is reported 1 Wendell, 488. The petitioner represents that Colver is unable to pay the costs which were adjudged against him;

and he asks the Legislature to pay the amount, and a counsel fee of \$50, on the ground that Collver defended the suit under the title of Miller.

Although the petitioner omitted for 36 years to assert his right, his title has been declared valid. The necessity of bringing suit against a man unable to pay costs, has resulted from his own negligence. Had he taken possession under his deed, he would have avoided this expense—it would not have been reported to the Commissioners of the Land-Office in 1808, that the land was in the occupation of another person who was entitled to a grant, and the mistake of a second conveyance would not have happened.

Respectfully submitted.

GREENE C. BRONSON, *Att'y-Gen.*

Albany, March 8, 1834.

IN ASSEMBLY,

March 10, 1834.

REPORT

Of the select committee on the memorial of John Cooper, Jr. to build a dam across the Conhocton river, in the town of Erwin, in the county of Steuben.

Mr. Phelps, from the select committee, to which was referred the memorial of John Cooper, Jr. of the town of Erwin, in the county of Steuben,

REPORTED:

That the petitioner asks leave to build a dam across the Conhocton river, in the town of Erwin, in the county of Steuben, on the land of said petitioner, for the purpose of using the waters thereof in operating certain mills which he is preparing to erect, and alleges, that it is not his intention to interfere with or injure the rights or privileges of any other person or persons, and that he has conformed to the law requiring a notice to be given, proof of the publication of which has been submitted to your committee.

The Conhocton river appears to be a public highway, across which divers dams have heretofore been allowed to be erected under certain limitations and restrictions. Your committee see no objection to granting the prayer of the petitioner under the like provisions and restrictions imposed upon others who have had similar privileges granted to them, and therefore ask leave to introduce a bill for that purpose.

IN ASSEMBLY,

March 10, 1834.

REPORT

Of Robert Wiltse, agent of the State-Prison at Mount-Pleasant, pursuant to a resolution passed 26th February last.

State-Prison Mount-Pleasant, March 5, 1834.

To the HON. WILLIAM BAKER,
Speaker of the Assembly.

SIR—

Pursuant to a resolution passed 26th February last, directing the agent of this prison to report to the honorable the Assembly, "The names and place of residence of each contractor for the labor of the prisoners: the terms of every contract that may exist on the first day of March next: what mechanical labor is at this time carried on in the respective prisons: the number of convicts employed in each trade: the names and residence of the persons who are employed by the several contractors to superintend the labor of the convicts in the prisons; and the wages such superintendents severally receive: the names and ages of all the prisoners who have been pardoned or otherwise discharged from either of the said prisons, since the first day of September last, and the trade which each convict so discharged had worked at during his confinement:"

I have the honor herewith to transmit my report.

I am with great respect,

Your obedient servant,

ROBERT WILTSE,
Agent and principal keeper.

CONTRACTS, &c.

The following contracts have been made in conformity with, and as required by the Revised Statutes, sections 23, 28 and 44, chap. 3, part 4, title 2, article 1, as follows:

"The agent shall use every proper means to furnish such prisoners with employment the most beneficial to the public, and the best suited to their various capacities."

"Whenever the inspectors of either prison shall so direct, it shall be the duty of the agent of such prison to make contracts from time to time for the labor of the convicts confined therein, or of any of the said convicts, with such persons and upon such terms as may be deemed by the said agents most beneficial to this State."

"It shall be the duty of the agents to use their best endeavors to defray all the expenses of the said prisons by the labor of the prisoners."

Names and places of residence of the contractors for the labor of convicts in the Mount-Pleasant State Prison, and terms of their contracts, March 1st, 1834.

Samuel Knower and Reuben Winslow, of Boston, Mass., under the firm of S. Knower & Co. of Roxbury and Boston, Mass. and in the city of New-York.—Contract dated 6th August, 1833, for five years for the employment of from fifty to one hundred men, at thirty-five cents per day each, at copper nail boots and cap fronts: the contractors to furnish all the stock and tools, and instruct the convicts in their trade: payments to be made monthly, with a credit of three months on each month's work.

Joseph Garey, of Troy.—Contract dated 1st October, 1833, for seven years, for the employment of eighty convicts, at thirty-five cents each, at the boot and shoe making business: the contractor to furnish all the necessary stock, &c., and payments to be made monthly, with a credit of three months on each month's work.

Reuben R. Finch & Co., of Peekskill, have six men employed in making boots and shoes, at fixed prices per pair, as follows:

women's shoes, at 28 cents per pair; men's coarse shoes, at 33 cents; men's coarse boots, at 70 cents; men's fine boots, eleven shillings per pair: all the stock found by contractors: payments due when the work is finished.

Jeremiah Chichester, of the city of Troy, contract for seven years, dated 26th of December, 1832, for the employment of one hundred and fifty convicts, to work at the coopering business, at fixed prices for each article; made as follows:

Quarter bound rum hogsheads, at.....	70 cents each.
Corn meal "	65 "
Iron bound rum "	62½ "
Wine barrels, at	40 "
Rum and beer barrels, at	31½ "
Provision "	25 "
Flour "	12½ "
Molasses hhds. shooks, at	28 "
" " nests of three, 12s. per nest.	
Shaving and bunching hhds. hoops,	10c. per bunch.
Lard and butter firkins,	10 cents each.
Turpentine casks, iron or wood bound,	31½ "
Provision half barrels, "	18 "
Shoe tierces,	31½ "
2 barrel meat casks,	62½ "
1½ " " "	50 "
1 " " "	37½ "

All the stock to be furnished by the contractor; payments made monthly, with a credit of three months on each month's work.

John Groshon, of the city of New-York, contract commencing 1st January, 1833, for five years, for the employment of thirty convicts at the locksmith and finishing business, at fixed prices for each article, as follows:

4½ inch mortice locks,	\$3 00
4½ inch " " rabbitted,	4 50
6 inch rim locks,	1 50
7 inch "	1 75
8 inch "	3 50
9 inch "	4 00
Book case locks,	1 88

Sliding bolts for doors,.....	\$1 75 per pair.
Flush " "	3 00 "
8 inch front door locks, (night keys,).....	\$6 50
9 inch " " "	7 00
10 inch rim locks, double tumblers,	7 00
Venitian mortice locks,	4 00
Sliding door furniture,	\$40 00 per sett.

Payments are due as the work is delivered; all the stock and tools furnished by the State. In the same shop are manufactured bank vault doors, cooking boilers, &c. on account of the State.

Richard Hasluck, of Birmingham, (England,) William J. Buck, of the city of New-York, Cotton Hayden and Peter P. R. Hayden, of the village of Auburn, N. Y., under the firm of Buck & Co., city of New-York; contract for five years, dated 19th October, 1833, for the employment of forty convicts at thirty-seven and a half cents per day each, in the manufacture of saddle trees, hames, and all descriptions of saddlery goods.

All the stock and tools to be furnished by the contractors, and they are also to instruct the men in the business; payments are to be made monthly, with a credit of three months on each month's work.

Benjamin W. Tunstall, of Sing-Sing, contract 23d July, 1833, for three years for the employment of convicts not exceeding thirty in number, at the tailoring business, at thirty-one and a quarter cents per day each; payments are to be made at the end of each month. Contractor to instruct the men in the business.

Elisha Bloomer, of the city of New-York, contract for five years, dated 18th April, 1833, for the employment of sixty convicts, to be employed at the blacksmith and locksmith business, and such work as may be connected with the said branches of business, and also for the employment of not exceeding thirty men at finishing silk hats at forty cents per day each. The contractor to furnish all the stock and tools, and instruct the men in their trades. Payments to be made at the end of each month.

CONTRACTS FOR MARBLE.

Contracted with Morgan Lewis, president of the council of the New-York University, and Archibald Maclay, secretary of said University; contract dated 24th April, 1833, for all the marble necessary for said building. All the plain ashler for buttresses to be smooth axed, at 40 cents per foot superficial measure. The moulding courses at ten shillings per foot run; window sills and lintels, at ten dollars each; other parts of the building, ornamental work for door way, screen, &c., prices not fixed on. The marble to be delivered at our wharf; payments to be made as the building progresses.

Contracted with E. Bloomer, New-York, on 7th May, 1833, for the marble as follows: Basement ashler, for front steps and buttresses; flagging from columns to front of buildings; two antepas, ashler for front; five columns, caps and bases; entablature and blocking course, and honey suckles, for two houses in Broadway, for five thousand five hundred dollars. The marble to be delivered on board of vessels at our wharf. Payments due as the marble is delivered.

Contracted with Asher Benjamin, of Boston, 21st October, 1833, for three marble door ways, columns, caps and bases, architrave frieze and cornice, for two hundred and seventy-five dollars each door way; also three ornamented lintels at twenty dollars each, and eight ornamented lintels at ten dollars each. The marble to be delivered on board of vessels at our wharf. Payments due as the marble is delivered.

Contracted with Julius A. Currington, of the city of New-York, 21st October, 1833, for ashler for basement, steps and platform; Doric door way, sills and lintels, &c., for four hundred dollars.—The marble to be delivered on board of vessels at our wharf.

Contracted with Messrs. Tompkins & McFarlan of Brooklyn, for steps and flagging for one house in Brooklyn, for Joseph A. Perry; prices as follows: plain steps at eighty cents per foot run; flagging at fifty cents per foot, superficial measure.

In addition to the foregoing contracts for marble I have made estimates for furnishing marble for a church, to be erected in New-

Orleans, one in Brooklyn and one in the city of New-York. I consider the offers binding on my part, if the parties concerned choose to accept them.

Statement of all the mechanical branches carried on at the Mount-Pleasant State Prison, and the number of convicts employed at each, on the first of March, 1833.

In lock and blacksmith shop, on John Groshon's contract, as follows:

Making mortice locks,.....	4
do front door do.,	2
do 6 inch rim do.,.....	9
Apprentices filing and fitting up castings,.....	10
Casting and moulder,.....	2
One painter and two at forges,.....	3
At turning lathe,.....	2
	<hr/>
Total,.....	39
At work in same shop for State,.....	3
	<hr/>

Average earning of convicts in this shop for the last month is sixty-one and three-quarter cents per day each.

In lock and blacksmith shop, on E. Bloomer's contract:

On locks of various kinds,.....	18
Apprentices, rough filing and drilling,.....	6
At turning lathes,.....	3
One painter and three at grates,.....	4
Forging for locks,.....	6
One waiter and one carpenter,.....	2
	<hr/>
Total,.....	39
	<hr/>

Manufacturing silk hats for E. Bloomer,..... 18

At work on Buck & Co. contract:

Filing and finishing brass saddlery,.....	14
At moulding,.....	2
	<hr/>
Carried forward,.....	16

	Brought forward,.,....	16
At forging,.....		2
	Total,.....	<u>18</u>

In shoemakers' shop, on contract for Jos. Garey:

Making brogans,.....	54
do women's shoes,.....	9
	<u>Total,..... 63</u>

Of the above number nine are apprentices.

In shoemakers' shop, on S. Knower & Co. contract:

Making copper nailed boots,.....	50
Stitching cap fronts,	15
	<u>Total,..... 74</u>

In coopers' shop, on Jeremiah Chichester's contract:

Making corn meal and rum hhds.,.....	31
Wine barrels,	4
Rum do	13
Provision do	28
Firkins 4, and half provision barrels 2,.....	6
Flour barrels,.....	29
Making molasses hhd. shooks,.....	6
do do nests,.....	4
	<u>Total coopers,..... 116</u>

Apprentices at flour and provision barrels,.....	11
do making barrel heads,.....	21
Laborers assorting stuff, sawing staves, &c., grinding tools, and waiters,.....	19
	<u>51</u>

Total in and about coopers' shop,..... 167

About thirty of the above are invalids.

Earnings of coopers' shop for the week last past was three hundred and thirty-four dollars, making an average of thirty-three

and a third cents per day, for each convict employed; or thirty-seven and a half cents per day for the coopers and apprentices, and twenty cents per day for the invalids.

In the stone shop there are now employed on contract, as follows:

Cutting marble for the University,.....	44
Cutting and polishing marble for E. Bloomer,.....	20
Cutting marble for J. A. Carrington,.....	10
do for A. Benjamin,.....	4
do for Tompkins and McFarlan,.....	10
Total,.....	<u>88</u>

In addition to the above mentioned mechanical branches, we have the following mechanics at work for the State:

Stone cutters on prison buildings,.....	11
Masons do do	8
Blacksmiths, sharpening and repairing tools for stone shops and quarries,.....	10
Making kids, cans and pails for prisoners,.....	1
Weavers and tailors making clothing for convicts,.....	19
Shoemakers making shoes for convicts,.....	12
Wheelwright repairing carts and trucks,.....	1
Total,.....	<u>62</u>

Names and place of residence of persons employed by contractors to superintend their work at the Mount-Pleasant State Prison, March 1, 1834.

John Newhouse, residence in Sing-Sing.
 John V. Green, do do.
 Wm. A. Van Duzer, do do.
 Stephen Clark, part of his time in Troy and Sing-Sing.
 John Beals, residence in Sing-Sing.
 John B. Gregory, do do.
 Peter P. R. Hayden, one of the firm, Sing-Sing.
 Amos Hewitt, Sing-Sing.

The above named persons are paid for their services by their respective employers; the State has nothing to do with their pay. They are under the control of the agent of the prison, so far as concerns their department when within their respective shops, and to see that they do not in any way interfere with the discipline of the prison. I do not know what wages they receive.

NAMES AND AGES

Of all the Convicts discharged from the State-Prison at Mount-Pleasant, from September 1st, 1833, to March 1st, 1834.

NAMES.	Ages.	Their occupation while in Prison.	REMARKS.
John A. Brown,	33	Blacksmith.....	Blacksmith when received.
Ephraim Schoonmaker,	22	Stone-cutter.....	Recommitted in Feb'y, 1834.
Levi S. Burr,	41	Waiter in quarry.	
Mark Whaley,	26	Laborer.	Invalid when rec'd.
Thomas M. Smith,	26	Stone-cutter.....	Learned his trade in Charlestown prison.
Marsden Mahan,	21	Quarryman.	Upholsterer when committed.
Adam Cossleman,	24	Laborer.	
Henry Dusenberry,	24	Driller.	
Samuel Livingston,	24	Laborer.	
Thomas Jackson, alias Powers, ..	43	Stone-cutter.....	Shoemaker when rec'd.
Thomas Jackson, alias Topham, ..	24	do do	
Richard W. Manney,	33	Stone-cutter, mason & silk hatter.	Was hatter and mason when rec'd.
Adam Lane,	26	Blacksmith.....	Blacksmith when rec'd.
George Alderdyce,	28	Laborer.	
William Wallace,	33	Stone-cutter.....	Lamed cutting stone in Charlestown prison.
Jeremiah Thomas,	21	Blacksmith.	
Daniel Hoag,	37	Laborer.	
Wm. Wilber, al's Henry Kimball, ..	27	do	
William M. Davis,	28	Locksmith.	Silversmith when rec'd.
James McManus,	26	Quarryman.	
Charles Williams,	29	Stone-cutter.	

NAMES.	Ages.	Their occupation while in Prison.	REMARKS.
David R. Williams,	31	Stone-cutter.	
Abraham W. Losee,	48	Shoemaker.	Shoemaker when rec'd, is now in prison 3d time.
John G. Smith,	28	Driller.	
William Thompson,	29	Laborer.	
Thomas Smith,	37	Stone-cutter and mason.	Blacksmith when rec'd.
Philip H. A. Stith,	25	do	
Joseph Rolin,	34	Barber.	Has since returned to this prison.
John Elleck,	17	Washer.	
James Thompson,	33	Stone-cutter and mason.	
Isaac Brink,	22	do	
Jacob Fuller,	36	do	
Robert Jones,	45	Cooper.	Cooper when rec'd.
Richard Hosford,	28	Quarryman.	
Daniel Jones,	27	Baker and stone-cutter.	
Moses Vosburgh,	31	Laborer.	
Jno. Filson, als. Wilson,	39	Blacksmith.	3d time disc'd, was a blacksmith when rec'd.
Alfred Louzada,	25	Carpenter and stone-cutter.	Cabinet maker when rec'd.
Carman Bedlee,	24	Stone-cutter.	
George Robinson,	34	do	
Horace Lawrence,	21	Silk hatter and waiter.	Pardoned and sent to sea.
Jacob Outerkirk,	29	Laborer.	
Patrick Truden,	26	Quarryman.	
Timothy Donovan,	22	Laborer.	
Michael Buck, als. John O'Nealy,	26	Driller.	

Timothy Bradley,	23	Laborer.	Carpenter when rec'd.
Arthur Scott,	23	Cook.	Returned again to prison.
Patrick McGill,	48	Filler and carpenter.	3d time disch'd, carpenter when rec'd.
William Smith, alias Moony, ...	21	Quarryman.	
Henry Stevens, als. Turkington,	23	Waiter.	Now in Bridewell, exp'd back here next week.
Phineas Goodwin,	24	do	
George Hagermore,	24	Stone-cutter.	
David Buckman,	20	Quarryman and blacksmith.	Blacksmith when rec'd.
Samuel Gall,	24	Laborer.	
John McLaws, als. Wm. Wallace,	54	Turning grindstone.	
Peter Schriver,	30	Laborer.	
James Barton Moore,	33	Stone-cutter.	
William Stewart,	26	Cooper.	Carpenter when rec'd.
Nath'l Driscoll, als. Dan'l Lynch,	21	Stone-cutter and mason.	Stone-cutter on Blackwall's island.
John Kelly,	22	Waiter.	
William Seron,	43	Laborer.	
David Dean,	24	do	
George Smith, als. Buffet,	20	Quarryman.	
John Ross, als. Freeman,	22	Waiter.	
Jotham H. Baldwin,	33	Shoemaker.	2d time discharged, shoemaker when rec'd.
Henry Jackson,	21	Waiter.	Returned again to prison.
Harry Knox,	27	Quarryman.	
James O. Kane,	26	Laborer.	
Daniel Perry,	23	Shoemaker.	
Arnold Brewer,	21	Quarryman.	
James B. Shields,	28	Carpenter and cooper.	Carpenter when rec'd.
Nirum Benson,	29	Quarryman.	
Joseph Sherwood,	24	Laborer.	

NAMES.	Ages.	Their occupation while in Prison.	REMARKS.
Hiram Parmerter,	25	Stone-cutter.	Was a shoemaker when rec'd.
Israel C. Martin,	37	Shoemaker.....	" " tailor when rec'd.
John Lace, alias Emmott,	23	Tailor.....	" " stone-cutter when rec'd.
William Provost,	25	Stone-cutter.	" " shoemaker when rec'd.
Michael Craig,	24	Shoemaker.....	" " do
Joseph Moore,	28	do	" " blacksmith when rec'd.
Squire Day,	35	Blacksmith.....	" " carpenter when rec'd.
John Wilson,	27	Stone-cutter.....	
Francis O. Lano,	22	Quarryman.	
John Van Tassel,	18	do	
David Conklin,	50	Spooler.....	Invalid when rec'd.
Alfred Simpson,	27	Barber, tailor and stone-cutter.	
Henry Garrison,	26	Quarryman.	
Jim Clason,	18	Waiter.	
William Donagan,	30	Blacksmith, painter and hatter.	Painter when received.
Samuel Rice,	24	Tailor.	
Richard M. Ellison,	36	Cooper.	
Amasa Startivell,	25	Stone-cutter.	
Zingo Stout,	32	Laborer.	
William Fester,	34	Quarryman.	
Almon Aylsworth,	25	Cooper.	Invalid nearly the whole term of his imprisonment.
James Hays,	25	Stone-cutter and cooper.	
Barnard Trainer,	39	Laborer.	
George Robinson, alias Handy, ..	24	do	
James Mulgrove,	29	Stone-cutter.	

RECAPITULATION.

Whole number discharged during the last six months,	99
Of this number, worked at some mechanical branch in prison,	51
Twenty-nine had worked at mechanical business before they came to prison. Two of the discharged mechanics have returned to prison; and one pardoned on condition of his going to sea.	
Leaving the actual number added to the whole number of mechanics,	19

IN ASSEMBLY,

March 10, 1834.

REPORT

Of J. C. Dunham, agent of the State Prison at Auburn, pursuant to a resolution passed 26th February 1834.

To the Honorable the Speaker of the House of Assembly of the State of New-York.

The agent of the State prison at Auburn herewith transmits a statement of the names and places of residence of each contractor for the labor of the prisoners: the terms of every contract existing the first of March instant: what mechanical labor was then carried on in this prison: the number of convicts employed in each trade: the names and residence of the persons who are employed by the several contractors to superintend the labor of the convicts; and the wages of such superintendents severally: also a table of the names and ages of all the prisoners who have been pardoned, or otherwise discharged from this prison since the first day of September last, and the trade which each convict discharged had worked at during his confinement; pursuant to a resolution of the House dated the 26th February, 1834.

Contract for coopering, by Abel Wethey of the village of Auburn.

Contract made December 31st, 1832, for the term of three years: for the employment of 50 convicts, at 28 cents per day each: raw hands at 12½ cents per day, for two months, and 28 cents per day thereafter: with a credit of three months on each month's earnings. All materials and tools, and fuel furnished by the contractor: shop tending and incidental labor by contractor's men: stoves and pipe furnished by agent.

[Assem. No. 289.]

There are now employed on this contract 2 two smiths, at 50 cents; 9 coopers, at 30 cents; 50 do at 28 cents; and 3 raw hands, at 12½ per day each. Of the above 9 were coopers and 2 were smiths when they were sent here.

John Hepburne, Auburn, superintendent; salary \$400 per ann.

Contract for manufacturing carpenter's and joiner's tools, by T. I. McMasten and Z. I. McMasten, both of the village of Auburn.

Contract made August 20th, 1829, for the term of ten years, for the employment of forty-five convicts, at 30 cents per day each: the earnings of every six months paid at the expiration thereof. All the materials, tools, machinery and steam-engine and fuel furnished by the contractors: stoves and pipe by the agent: all shop attendance by contractor's hands.

There are now employed on this contract 42 convicts at 30 cents, and 2 do. at 25 cents each per day.

Of the above number none were tool makers when received into the prison.

Jacob Young, Auburn, superintendent; salary \$400.

A. D. McMasten do assistant, do \$334.

Contract for manufacturing boots and shoes, by Erastus and Jabez Pease, both of Auburn.

Contract made December 1st, 1832, for the term of three years; for the employment of all shoemakers received into prison, and other convicts, not exceeding 50 in the whole, employed by the piece, as follows: for making fine boots 16s; for footing do. 12s; second quality boots, 12s; footing do. 10s; stoga fine boots, sewed, 8s; pegged, 7s; lace boots, 5s and 6s; lace shoes, 4s and 5s; fine shoes, 5s; stoga fine do. 4s; coarse boots 6s; coarse shoes, 3s; women's cloth and leather boots and shoes, 3s; small shoes and cacks, 2s 6d, 2s, 1s 6d and 1s. Credit of three months on each month's earnings. The work to be cut and prepared by contractors before it is sent into the prison: binding done by agent.

There are now employed on this contract 44 convicts, of whom 11 were shoemakers when received into prison.

Barney Campbell and J. Barnes, Auburn, superintendents, at a compensation of \$1 per day each.

Contract for weaving cotton bed ticking by Robert Muir, Eleazer Hills, Nathaniel Garrow and Geo. B. Throop, all of Auburn.

Contract made December 1st, 1827, for the term of ten years, for the employment of 85 convicts, viz: 45 weavers and warpers at 25 cents per day each; 39 invalids for spoolers, at 15 cents, and 1 joiner at 50 cents, with a credit of three months on each month's earnings. The Agent to furnish stoves and fuel, and a number of loom frames then owned by the State; contractors to rig the looms and keep them in repair.

This contract was subsequently verbally altered as follows, viz: instead of the proportions of the different classes of convicts as above, there shall be employed 64 weavers and warpers at 25 cents per day each, and 21 spoolers (invalids) at 15 cents, and 1 joiner at 50 cents.

The above number are now employed, of which 8 were weavers when received into prison.

Charles Eldrid, Auburn, superintendent; salary \$1,200.

Contract for tailoring by Stephen Van Anden, of the village of Auburn.

Contract made January 1st, 1833, for the term of six years, for the employment of 35 convicts, employed by the piece as follows, viz: for making body and frock coats and cloaks, each 14s; great coats, 16s; box coats, 16s; military coats, 20s; vests and pantaloons, each 4s; box vests, 6s; all other garments in proportion.—Contractor to cut and prepare all work before sent to the prison; finds tools and all materials; Agent finds stoves, fuel and charcoal.

There are now employed on this contract 38 convicts, of whom only 2 were tailors when received into prison.

Lewis Van Anden, Auburn, superintendent; salary \$750.

Henry Van Anden, do assistant, do 400.

Contract for manufacturing brass clocks and their cases, by Asa Mungan, Thadeus Benedict and C. B. Hotchkiss, all of the village of Auburn.

Contract made May 1st, 1833, for the term of one year, with a privilege of further term of three years, for the employment of 15 convicts, and a further number of 25 convicts, provided the Agent

can furnish them. The whole at 30 cents per day each; raw hands at an average of 20 cents per day each, for three weeks, and 30 cents per day thereafter, with a privilege of a small water power. Credit of three months, on each month's earnings. This contract subsequently extended for a further term of three years, at 32 cents per day; raw hands half price for one month; 32 cents thereafter.

Materials, machinery and tools furnished by contractor; stove and fuel by Agent.

Now employed on this contract, 23 at 30 cents per day each, of whom but 1 was a clock maker when received into prison.

Asher Markham, Auburn, superintendent; salary \$450.

George Hall, do do do 342.

Contract for manufacturing steam engines and boilers, woollen and cotton machinery, locks, copper and sheet iron ware, &c., by Albert Walcott, J. B. Hyde, J. L. Watrous, T. M. Hunt and E. E. Marvinne, all of Auburn.

Contract made June 1st, 1833, for the term of five years, for the employment of 50 convicts, at 40 cents per day for 25, and 30 cents per day each for the residue, with privilege of water power, and credit of six months on each month's earnings. All machinery, tools and materials furnished by contractors; stoves and fuel by the Agent. When water power is interrupted, a deduction of 10 cents per day is to be made on each of the 40 cent hands employed at the machinery.

Of those now employed, 9 are machinists, filers, turners, &c., 9 engine and boiler makers, 17 locksmiths, 6 copper smiths, 6 blacksmiths and strikers,

There are now employed on this contract 25 at 40c. and 22 at 30c. of whom 4 were smiths and one machinist, when received into prison.

William Bruce, Auburn, superintendent; salary \$600 per ann.

J. H. Bacon, do assistant, do 350 do

Contract for manufacturing of combs, by Wm. & Orson W. Jerome, both of Auburn.

Contract made October 1st, 1833, for the term of five years, for the employment of 40 convicts at 32 cents per day each; new

hands half price for one month, and 32 cents thereafter, with privilege of a small water power. Credit of three months on each month's earnings; materials, machinery and tools furnished by contractor; stoves and fuel by Agent.

There are now employed on this contract 38 at 32c. and 1 at 25c., of whom 2 were comb makers when received into prison.

G. L. Snyder, Auburn, superintendent; salary \$520.

Contract for manufacturing saddle-trees and hames, and for plating saddlery, by Cotten and Peter P. R. Hayden, both of Auburn.

Contract made August 1st, 1833, for the term of five years, for the employment of fifty convicts, at the following prices per day: for 5 smiths, 50 cents per day each, new hands 30 cents for one year and 50 cents thereafter; 44 wood and iron workers, 30 cents per day each, new hands 25 cents per day for one month, and 30 cents per day thereafter; one shop tender at 25 cents per day: with a credit of three months on each month's earnings. All materials, steam-engine, machinery and tools furnished by contractors: stoves and fuel for warming shop by Agent.

There are now employed on this contract 5 at 50 cents, 42 at 30 cents, 1 at 25 cents, 1 at 15 cents: 20 hame makers, 25 saddle-tree makers and 5 platers; of whom 3 were smiths, 1 plater and 4 were carpenters when received into prison.

J. Standish, Auburn, superintendent; salary \$1,200 per ann.

E. Baldwin, Auburn, do do 600 do

D. Judson, Auburn, do do 600 do

Contract for weaving carpets, coverlets, diaper, &c. &c. by Josiah Barber and John London, both of Auburn.

Contract made October 1st, 1833, for the term of five years, for the employment of 15 convicts, and a further number of 10 convicts, provided the agent can furnish them, at 30 cents per day for two-thirds, weavers; and 15 cents per day for one-third, invalids, spoolers: with a credit of three months on each month's earnings: with a small water power, and the use of the State carding machines, when not wanted for the State carding; with a number of loom frames: for the use of the above, the contractors are to instruct and superintend the convicts employed for the State in preparing convicts clothing: State furnishes stoves and fuel,

There are now employed on this contracts 14 at 30 cents, 3 at 25 cents and 6 at 15 cents; of whom 2 were weavers when received into prison.

Contract for manufacturing chairs and cabinet ware, by John Seymour and Talmadge Cherry, both of the village of Auburn.

Contract made November 1st, 1833, for the term of five years, for the employment of sixty convicts, at 35 cents per day each, for 50 convicts; and 25 cents per day for 10 convicts: new hands at half price for one month, full price thereafter: with a credit of three months on each month's earnings: with a privilege of water power necessary for their business: a deduction of 10 cents per day to be made on so many of the 35 cent hands as work at machinery whenever the water power is interrupted. All materials, machinery, tools and fuel to be furnished by contractors: stoves and pipe by the Agent.

Of those now employed 19 are cabinet makers, 27 chair makers, 3 bedstead makers, 2 sawyers and one waiter.

There are now employed on this contract 1 convict at 50 cents, 42 at 35 cents, 9 at 25 cents; of whom 10 were cabinet and chair makers when received into prison.

N. D. Caldwell, superintendent, Auburn,	salary	\$500
E. Miller,	do do do	500
— Watson,	do do do	500

Contract for making Burr mill stones, by A. D. Leonard, of Auburn.

Verbal contract, made December 1st, 1833, to be employed through the winter season, at 3 shillings per day: contractor to find tools: 6 or 8 convicts employed.

The residue of the stone cutters are employed in cutting stone for the quarrymen in the neighborhood, and for individuals who are building in this village. The cutting is done by the foot, from 8 cents as high as one dollar per foot, depending upon the kind and quality of the work.

There is a general provision in all the foregoing contracts that the contractors are to keep their men constantly employed; and if

not employed no abatement is to be made in the price, but the same amount is charged and paid as if they were employed.

The foregoing is a statement of all the contracts in existence on the first of March instant.

J. C. DUNHAM, *Agent*.

State Prison, Auburn, March 4th, 1834.

STATEMENT

Of all the names and ages of all the prisoners who have been pardoned or otherwise discharged from the State Prison at Auburn, since the first day of September, 1833, to the first day of March, 1834,—and the trade which each convict so discharged had worked at during his confinement.

NAMES.	Ages.	Trade.	When disch'd.
			1833.
Dennis W. Scally,.....	35	Weaver,	Sept. 1.
Sylvester Rowley,.....	42	Laborer,	" 4.
John Jacobs,.....	55	Cabinet,	" 7.
Serenio W. Allen,.....	21	Tailor,.....	" 11.
Lyman Wilcox,.....	34	Blacksmith,.....	" "
Wheeler Jackson,.....	32	Invalid,	" 14.
Jeremiah Slingerland, ..	49	Hame & saddle tree,...	" "
Samuel D. Mills,.....	21	Stone cutter,.....	" 15.
James Waterman,.....	31	Shoemaker,.....	" "
John Wheeler,.....	34	do	" "
Nathaniel Patch,.....	42	Cooper,.....	" "
Alexander D. Kinney, ..	43	do	" "
Michael Holvin,.....	35	Shoe binder,.....	" "
Daniel Mack,	52	Laborer,	" "
Lewis S. Gouman,.....	35	Shoemaker,	" "
John Snyder,.....	33	Waiter,.....	" 16.
John Armenta,.....	29	Laborer,	" 17.
Robert Dunlap,.....	32	Cooper,	" "
James Flood,.....	33	Invalid,	" "
William McCann,.....	22	Stone cutter,.....	" "
Barney Meeley,.....	34	Weaver,	" "
James Miller,.....	29	Laborer,	" "
John Koeyras,.....	21	Invalid,	" 19.
Stephen Clark,	36	Weaver,	" 21.
John Taylor,.....	29	Barber,....	" "
Nicholas Hamblin,.....	45	Gardener,	" "
Nelson Weight,.....	27	Tailor,.....	" 22.
John King,.....	26	Weaver,	" 24.
John Venison,.....	23	do	" "
John C. Whiteman,.....	57	Brass founder,	" "
Eliza Comstock,.....	Female,.....	" 27.
Silas Houlton,.....	26	Weaver,	" 28.
Joseph Bartlett,.....	48	Saddle tree & hame, ...	" 29.
William Johnson,.....	26	Comb maker,.....	" "
Ira Aldrich,.....	20	do	" 30.
Robert Bromley,.....	34	Tool maker,.....	" "

NAMES.	Ages.	Trade.	When disch'd.
			1833.
Cornelia Deming,.....	Female,.....	Oct. 2.
Irene Hix,.....	do	" 3.
Dolly Van Slyck,.....	do	" 5.
John G. Chandler,.....	24	Invalid,.....	" "
Octavo Noland,.....	26	Shop waiter,.....	" "
William Allen,.....	34	Invalid,.....	" "
Alexis Tender,.....	32	Tailor,	" "
Barber Stafford,.....	32	Laborer,	" "
Andrew McFarland,....	27	Comb maker,.....	" "
James Letson,.....	28	Stone cutter,.....	" 6.
Thomas Sinclair,.....	37	Weaver,	" "
John Thomas,.....	27	Laborer,	" "
William Smith,.....	35	Washer,.....	" 7.
Tom. Van Waginen,...	34	do	" "
James Morgan,.....	34	Weaver,	" "
John Evans,	35	do	" "
Elcazer Hathaway,....	51	Tool maker,.....	" "
B. O. Anderson,.....	26	Tailor,.....	" "
Orrin Cummings,.....	19	Kitchen waiter,.....	" 13.
John Potter,	24	Laborer,	" 14.
John Benedict,.....	40	Spooler,.....	" 15.
John Harvey,.....	24	Tinman,	" "
Eli Jones,	39	Weaver,.....	" 16.
Elihu Tupper,.....	29	Kitchen Waiter,.....	" "
Francis Bomyea,	30	Weaver,.....	" 17.
George Flint,.....	24	Shoemaker,.....	" "
Samuel Browning,.....	31	Machinist,	" 19.
John Graham,.....	46	Cook,	" 21.
Mary Harris,.....	Female,	Nov. 4.
Gilbert Marselis,.....	32	Carpenter,.....	" "
Samuel Aingen,.....	59	Spooler,.....	" 27.
Benjamin Smith,.....	19	Clock maker,	" "
Philip Ryan,.....	34	Laborer,.....	" 30.
Samuel Brown,.....	32	Chair maker,.....	Dec. 5.
William Freer,.....	25	Tool maker,.....	" "
Jesse Peek,.....	22	Shop waiter,.....	" "
Lawrence Trunck,.....	37	Cooper,.....	" "
Chester Johnson,.....	38	Comb maker,.....	" 6.
Marcus B. Travis,.....	75	Spooler,.....	" 10.
Francis Passman,.....	19	Cabinet,.....	" 13.
Abel J. Brown,.....	27	Shoemaker,.....	" 14.
Stephen Williams,.....	27	Clock maker,.....	" 17.
John Barney,.....	20	Weaver,	" 24.
Isaac Waddle,.....	37	do	" "
William Walker,.....	34	Laborer,	" 25.
Allen Chase,.....	45	Shoemaker,.....	" 28.

NAMES.	Ages.	Trade.	When disch'd.
			1834.
Charles Whipple,.....	32	Laborer,	Jan. 1.
Almond Goff,.....	29	Cabinet,.....	" 6.
Asahel Powers,.....	26	Invalid,	" 14.
John McCowan,.....	36	Cook,	" 17.
Hiram Newland,.....	19	Cabinet,.....	" 19.
John Miller, jr.,.....	26	Weaver,	" 19.
Henry Hirsington,.....	38	Blacksmith,.....	" 21.
Frederick Neal,.....	20	Shoemaker,.....	" 28.
Isaac Gardner,.....	49	Cooper,.....	Feb. 1.
William Barlas,.....	26	Shoe binder,.....	" 2.
Ira G. Nash,.....	33	do	" 5.
Lawrence Traverse, ...	48	Cabinet,.....	" 6.
Milo Chilson,.....	32	Invalid,.....	" "
John A. Smith,.....	45	Weaver,.....	" "
Abraham Bort,.....	27	Laborer,	" 7.
Appleton Bailly,.....	46	Wing tender,.....	" "
Chas. McCuskey,.....	32	Cabinet,.....	" "
Henry Smith,.....	26	Cooper,	" 9.
Geo. Singleton,.....	24	Stone cutter,.....	" 10.
Susan Rector,.....	Female,.....	" 12.
Robert Owen,.....	46	Tool maker,.....	" 17.
George Moore,.....	21	Laborer,.....	" 18.
David Capron,.....	42	Cooper,.....	" 24.
Ebenezer Barker,.....	33	Blacksmith,.....	" "
Wm. H. Wheeler,.....	24	Stone cutter,.....	" "
Henry Cookingham,....	47	Laborer,	" 27.

RECAPITULATION.

Coopers discharged,	7
Tool makers do	4
Shoemakers do	10
Weavers do	15
Tailors do	4
Clock makers do	2
Machinist do	1
Smiths do	3
Comb makers do	4
Hame and saddle tree, discharged,	2
Cabinet and chair, disch'd,	7
Stone cutters disch'd,	5
Spoolers do	3
Tinman and brass founder, disch'd,	2
Carpenters discharged,	1
Laborers do	13

Carried forward,..... 83

Brought forward,.....	83
Invalids discharged,.....	7
Females do	6
Waiters, washers and cooks, disch'd,.....	10
Barber and Gardener, disch'd,.....	2

Total,..... 108

State Prison, Auburn, March 4, 1834.

IN ASSEMBLY,

March 10, 1834.

REPORT

**Of the inspector of salt at Onondaga, in obedience to
a resolution of the Assembly.**

INSPECTOR'S OFFICE, }
Salina, March 6, 1834. }

SIR—

I have the honor to transmit a report, prepared in obedience to
a resolution of the Hon. Assembly of 28th Feb'y. last.

I am, with great respect,
Yours, &c.

M. V. VLECK.

HON. WILLIAM BAKER,
Speaker of the House of Assembly.

REPORT.

In obedience to the resolution of the Hon. Assembly of the 28th
February last, the inspector of salt in the county of Onondaga,

RESPECTFULLY REPORTS:

That his compensation is three mills per bushel on all salt in-
spected, and that the whole amount of his compensation within the
past year was \$5,515.94.

That he has paid to Harvy Kimball, the deputy at Liverpool,
for his services within that period, \$530; to Charles Carpenter,
the deputy at Geddes, \$500; to John Chamberlin, a former deputy
at Syracuse, but now a resident of Tompkins county, near Ithaca,
\$70; and to Thos. Rose and Julius H. Clark, the present deputies
at Syracuse, \$630. Making an aggregate at those places of \$1,730.

[Assem. No. 290.]

In fixing the compensation of those deputies, the same principle was consulted and made to operate that applies to the inspector himself in his compensation; and they have accordingly been paid a certain sum per bushel on all salt inspected by them; thus combining their interest and duty.

At Salina, where the principal office is kept, and where the inspector spends most of his time, the deputies have been paid by the month. Johnson Gordon was paid \$400; Geo. O'Brien the same; and Orton Johnson \$200; making \$1,000. The business at this office will require another hand the coming season, as some inconvenience for the want of one was felt the past season.

The State furnishes nothing for the inspector's office but stationary and the office building at Salina, a circumstance that necessarily subjects the officer to some expense, the amount of which it is impossible to fix with any degree of accuracy, as no account was kept; but it is believed that the disbursements incident to his office must have exceeded \$200.

M. V. VLECK.

Inspector's Office, Salina, March 6, 1834.

IN ASSEMBLY,

March 10, 1834.

REPORT

Of the committee on claims, on the petition of Esther Chase.

Mr. Cuykendall, from the committee on claims, to which was referred the petition of Esther Chase, praying for remuneration for losses sustained by reason of the sale of lands to the use of which the petitioner alleges she was entitled in her right of dower,

REPORTED:

The petitioner alleges in her said petition, that she was by her right of dower, in the possession of a certain lot of land situate in the town of Marshall, formerly a part of the town of Paris, in the county of Oneida, in the tract of land commonly known by the name of the Brothertown tract, on lot number eighty-eight, which said lot was in the year 1822, sold through mistake by order of the Comptroller.

The petitioner also represents, that she has not been remunerated for her losses sustained by reason of such sale, and that she is now far advanced in life and in indigent circumstances, and therefore asks the Legislature to provide for her such relief as the justice of her case requires.

Accompanying the petition is the affidavit of Clarke Chase, setting forth that Esther Chase was and is vested in a right of dower in the lands aforesaid, without stating a single fact or circumstance from which the committee may judge of the merits of the petitioner's claim. The petitioner having also omitted to set forth in her petition any facts relating to her right of dower, your committee

are therefore of the opinion, that however just the claim of the petitioner may be, the evidence submitted is insufficient to entitle her to the relief asked for, and ask leave to submit the following resolution:

Resolved, That the prayer of the petitioner, Esther Chase, ought not to be granted.

IN ASSEMBLY,

March 10, 1834.

REPORT

Of the Commissioners of the Land-Office, in obedience to the resolution of the Assembly of the 5th of February, 1834, in relation to lands in Salina, set apart for the manufacture of coarse salt.

STATE OF NEW-YORK.

In Assembly, February 5, 1834.

Resolved, That the Commissioners of the Land-Office be requested to furnish to this House the quantity of lands belonging to this State, in the town of Salina, reserved for coarse salt for manufacturing purposes; the quantity taken and the number of acres actually covered by the Syracuse Coarse Salt Company; also the quantity of land taken and the number of acres actually covered by the Onondaga Coarse Salt Company; the number of acres occupied by individuals in the manufacture of coarse salt by solar evaporation. The quantity of lands unoccupied for such purposes and where situated; also the time such companies or individuals can hold such lands without using them in the manner and for the purposes for which they were set apart.

By order.

P. REYNOLDS, Jr. *Clerk.*

The Commissioners of the Land-Office, in obedience to the foregoing resolution of the Assembly, respectfully submit the following

REPORT.

By a resolution of the Commissioners of the Land-Office, of the 3d May, 1828, certain lands were reserved for the manufacture of salt, which are particularly mentioned in a copy of the said resolution. [Assem. No. 292.]

lution herewith submitted, marked A. The reservation includes all the lands used, for fine as well as coarse salt, and the whole quantity is about 493 acres.

The statement herewith submitted, marked B, contains a description of the several parcels of land which have been set apart for the manufacture of coarse salt, with the names of the companies or individuals for whose benefit the same were set apart and the date of the resolution of the Commissioners in each case.

For the purpose of procuring necessary information the Commissioners adopted a resolution, requesting the superintendent of the salt springs to make a report in the premises; a copy of which resolution is herewith submitted, marked C.

A report has been received from the superintendent, a copy whereof is herewith submitted, marked D.

The following laws relate to lands for the manufacture of coarse salt. Laws 1821, page 234, sec. 21; Laws 1822, p. 173, sec. 6; Laws 1825, p. 472, sec. 42; 1 Rev. Statutes, 267, sec. 91 to 95 inclusive.

The following sections, (1 Rev. Statutes, 267,) will show how long "companies or individuals can hold such lands without using them in the manner and for the purposes for which they were set apart," without forfeiting their rights.

§ 94. Such individual or company shall thereafter have four years to complete the works thereon; but if such individual or company shall not, within one year thereafter, commence such works, and actually expend thereon at least one-tenth part of the capital so specified, such location shall be void; and the land, except such parts thereof as shall have works actually erected thereon, shall be liable to be located by any other individual or company.

§ 95. Any part of any such location which, at the expiration of the said four years, shall not be actually occupied by manufactories of coarse salt, pursuant to the intention of the original location, may be again set apart, by the Commissioners of the Land-Office, to any other person or company, for the erection of such manufactories.

Of the lands reserved, the quantity occupied for the manufacture of fine salt is about 30 acres; the quantity which has been set apart

to individuals and companies, for the manufacture of coarse salt as will appear by the paper marked B, is about 254 acres. The portions of the last mentioned lands which have been occupied, and the parts which are not adapted to the manufacture of coarse salt will appear by the report of the superintendent.

Of the remaining parts of the lands reserved, the Commissioners are unable to say what portion is adapted to the manufacture of coarse salt.

Respectfully submitted.

GREENE C. BRONSON, *Att'y-Gen'l.*

A. C. FLAGG, *Comptroller.*

JOHN A. DIX, *Secretary.*

SIMEON DE WITT, *Surv'r-Gen'l.*

Albany, March 8, 1834.

DOCUMENTS.

(A.)

At a meeting of the Commissioners of the Land-Office, at the Secretary's Office; May 3, 1828.

Present—Azariah C. Flagg, *Secretary*,
Simeon De Witt, *Surveyor-General*,
Samuel A. Talcott, *Attorney-General*,
William L. Marcy, *Comptroller*,
Abraham Keyser, *Treasurer*.

Resolved, That the Surveyor-General proceed to advertise and sell, in the manner prescribed by law, the residue of the lands in the Onondaga Salt Springs Reservation; *excepting the following parts, which are to be reserved for the manufacture of salt, to wit* :

The ground to the extent of two hundred feet in breadth, along the northeasterly side of the Oswego canal, from Marsh lot No. 22, at Green Point, to the reclaimed lot No 15, near the village of Liverpool, together with the present salt manufacturing lots at Liverpool. Also farm lots No. 117, 118, 119, 120, 121, 104, 107, 108. Also blocks No. 1, 2, 3, 4, 5, 6 and 7, in the village of Salina, together with the ground bounded northerly and northeasterly by the old channel of the Mud creek and the Oswego canal, southeasterly by blocks No. 1, 2 and 3, and south-westerly by Marsh lot No. 25. Also the ground comprehended by the following blocks, along the westerly side of the Oswego canal, to wit: No. 44, 45, 65, 66, 77, 92, 93, 97, 98, of the village of Salina, and blocks No. 1, 5 and 11, of the village of Syracuse. Also the ground to the extent of 200 feet in breadth, along the Oswego canal, from the Walton tract, in the village of Syracuse, to Centre-street, in the village of Salina. Also the ground to the extent of 200 feet in breadth, along the Erie canal, from the first lock west of Syracuse to the natural basin, in the village of Geddes. Also farm lots No. 54, 55, 56, 332, and No. 40 of the reclaimed lots, together with the old salt manufacturing lots, and block No. 6 of the village of Geddes. Also the ground located under the act relative to the manufacturing of coarse salt.

(B.)

Lands situate in the town of Salina, in the county of Onondaga, set apart by resolutions of the Commissioners of the Land-Office, to companies and individuals, for the manufacture of coarse salt.

For the Syracuse Salt company—set apart January 13, 1823.

Lot No. 1 A, for the erection of reservoirs, being all that certain lot of land in the village of Salina, on which the Block house did stand in the year 1821: and is bounded southeasterly by Free-street, southwesterly by leased lot No. 5, and northwesterly and northeasterly by leased lot No. 6, containing seven one-hundredths of an acre.

Lot No. 1, B, in the village of Syracuse, is bounded westerly by a line running north twelve degrees east, which line is one chain east of the shore of the Onondaga creek; southerly by a tract of land granted to Abraham Walton; easterly by the road leading to Salina and block No. 17 in the plan of the village of Syracuse; and northerly by leased lots No. 36 D, and No. 40 F; containing $14\frac{2}{7}$ acres, excepting out of the same one acre of a ravine, and land least suitable for the manufacture of coarse salt.

Lot No. 1 C, is bounded easterly by Plumb-street, on the plan of the village of Syracuse; northerly by the Onondaga creek; westerly by a line running parallel to and seventy-five links west of farm lots No. 273, 278 and 305, of the Onondaga Salt Springs Reservation; and southerly by a road twenty feet wide, laid out along the north side of the Erie canal; containing 22 acres excepting out of the same one acre of land occupied by the Seneca turn-pike road and $1\frac{4}{5}$ acres of flats along the Onondaga creek, and land the least suitable for the manufacture of coarse salt.

Lot No. 1 D, is bounded as follows: Beginning at the northeast corner of farm lot No. 254 of the Onondaga Salt Springs Reservation, and running thence south fifteen degrees east, twenty-seven chains and thirty links; thence north seventy-five degrees east, to the Onondaga creek; thence down along the same to a tract of land granted to Abraham Walton; thence along the same westerly and northerly to a road twenty feet wide, laid out along the south side of the Erie canal; and thence westerly along the same to the place of beginning; containing $34\frac{1}{5}$ acres, excepting out of the same $7\frac{2}{5}$ acres of ravines, mill pond, and land the least suitable for the manufacture of coarse salt."

For the Onondaga Salt company—set apart January 18, 1823.

"Lot No. 2, for the manufacture of coarse salt, bounded southerly by a road twenty feet wide, laid out along the north side of the Erie canal; easterly by a line running parallel to and seventy-five links west of the easterly bounds of farm lots No. 273, 278

and 305, of the Onondaga Salt Springs Reservation; northerly by the Onondaga creek and the north bounds of lot No. 302 of the reservation aforesaid; and westerly by the west bounds of farm lots No. 271, 380, 301 and 302 of the aforesaid reservation; containing $72\frac{4}{5}$ acres, excepting out of the same $2\frac{5}{8}$ acres of land occupied by the Seneca turnpike road, and also $9\frac{1}{8}$ acres of the land (comprised in certain ravines and the flats along the Onondaga creek) least suitable for the manufacture of coarse salt."

To Henry Gifford—set apart May 10, 1825.

Lots number two hundred and sixty-nine, and two hundred and seventy of the farm and pasture lots in the Onondaga Salt Springs Reservation, containing between eighteen and nineteen acres.

The said lots were again set apart to the said Henry Gifford by a resolution of the Commissioners of the Land-Office, dated February 9, 1833.

To Samuel B. Noble—set apart October 4, 1825.

"Lot number fifty-six of the farm and pasture lots laid out on the Salt Springs Reservation, together with all that part of lot number fifty-five, which is bounded on the southeast by North Seventh-street, and on the northwest by a line running from the middle of its southwest bounds to the middle of its northeast bounds, containing together fifteen acres, within a small fraction."

To Benjamin Barlow—set apart January 17, 1826.

"All that part of block number fifty-five of the farm and pasture lots in the Onondaga Salt Springs Reservation, not located for a similar purpose, by Samuel B. Noble, containing between four and five acres."

For the Liverpool Coarse Salt Company—set apart October 19, 1826.

"Lots number one hundred and twenty-one, and one hundred and twenty-six, of the farm lots in the Onondaga Salt Springs Reservation, containing together about twenty acres."

To Martin Miner & Co.—set apart July 18, 1829.

"Lots number one, two, five and six on the survey and map of the Onondaga Salt Springs Reservation, made by John Randall, junior, bounded northeasterly by the lateral canal between the villages of Syracuse and Salina, containing about ten acres."

To Benajah Byington—set apart July 18, 1829.

"Five acre pasture lot, number fourteen, in the town of Salina, as laid down on Geddes' map of the village of Salina, made in 1807, except that part thereof used for the canal, estimated to contain between three and four acres."

For Samuel C. Brewster—set apart June 2, 1830.

“Block number three of the village of Geddes, and so much of block number six as lies west of a line drawn from a point on the canal, where the west side of Pear-street strikes it southerly at right angles to the canal across said block.”

For Samuel C. Brewster—set apart October 5, 1833.

Part of farm lots number fifty-four, fifty-five and fifty-six, in the village of Geddes, in the Onondaga Salt Springs Reservation, bounded and described as follows, to wit: beginning on the northeast side of the Erie canal, at a culvert on the most southerly corner of farm lot number fifty-six, of the Onondaga Salt Springs Reservation, and running thence northwesterly along the canal to the northwesterly line of farm lot number fifty-four; thence north sixty-seven degrees and thirty minutes east, seven chains and thirty-five links; thence south sixty-one degrees east, seven chains; thence south fifty-nine degrees east, eight chains; thence south thirty-one degrees east seven chains and eighty links; thence south forty-one degrees east, eleven chains, and then south fifty-eight degrees and thirty minutes west, eight chains and sixty-eight links, to the place of beginning, containing about thirty acres of land.

For Jeremy Case and Calvin Guiteau—set apart November 16, 1833.

“All that part of block number six, in the village of Geddes, in the Onondaga Salt Springs Reservation, which lies east of a line drawn from a point in the canal where the west side of Pear-street strikes it southerly at right angles from the canal across said block.”

(C.)

At a meeting of the Commissioners of the Land-Office, at the Secretary's office, February 8, 1834.

*Present—John A. Dix, Secretary,
Simeon De Witt, Surveyor-General,
Azariah C. Flagg, Comptroller,
Greene C. Bronson, Attorney-General.*

Resolved, That the Surveyor-General and Secretary of State be requested to prepare the proper statements and descriptions for the purpose of shewing all the lands in the town of Salina which have been reserved for the manufacture of coarse salt; and also shewing what portions of those lands have been set apart to individuals and companies, respectively; and the times when the same were set apart.

Resolved, That a duplicate copy of such statements and descriptions, and a copy of these resolutions be transmitted to the superin-

tendent of the Onondaga salt springs; and that he be requested, with as little delay as possible, to ascertain,

First—What part or proportion of the land set apart to each individual or company has been actually occupied by works erected thereon for the manufacture of coarse salt.

Second—What part or proportion of the land which has not been so occupied is adapted to the use for which the same was set apart; and what part or proportion, by reason of an irregular surface, or otherwise, is not adapted to that purpose.

Resolved, That the said superintendent, if he shall find it necessary, be authorised to employ a surveyor in carrying the preceding resolutions into effect.

(D.)

SALINA, FEBRUARY 21, 1834.

To the Honorable the Commissioners of the Land-Office of the State of New-York.

In obedience to a request contained in resolutions passed by said Commissioners, on the eighth of February, instant, the undersigned, the superintendent of the Onondaga salt springs, reports as follows:

Lot No. 1, A, was located by the Syracuse and Onondaga salt companies, to erect reservoirs on, in the village of Salina; after which the then superintendent took possession of it for the use of the State, and the same is now used for the salt manufacturers generally.

Lot No. 1, B, located by the Syracuse salt company, is all covered with vats, that is suitable for the purpose. But there is a strip of land, about 14 rods in width, of an uneven surface, on the east side of said location and adjoining Salina-street; and also on the northerly end there is some low land of uneven surface unoccupied, as exhibited on the map sent herewith.

Lot No. 1, C, located by the same company, is all covered with vats, except some uneven land on the north end on the margin of Onondaga creek, as showed by said map; and also except about two acres in the rear of the said companies store-houses, (which are on the south end of said location.) This two acres is suitable for the manufacture of salt; but it is so surrounded by the said store-houses, a lane and vats, that it would not be as convenient for any other company or individual to occupy it, as it would be to that company.

Lot No. 1, D, on this location the said company have erected vats on the west side, in width four chains and thirty-seven links, and extending back twenty chains, as exhibited on said map. All the rest of this piece of land is vacant; there is a ravine passing through it, as showed on said map, which contains from two to four acres of land, of an uneven surface; the rest of the vacant

land is of an even surface, and could be used for making salt. It is, however, stated that a highway has been laid out through the same, (but has not been opened,) as marked on said map in pencil mark.

The Onondaga salt company have a strip of land unoccupied on the south end, west side and northerly end, as exhibited on the map. There are of an even surface, eight or nine acres, suitable for the manufacture of coarse salt: the remaining part is not suitable, it being uneven.

Henry Gifford has erected vats on the east side of his location, and occupied less than one half of it, as exhibited on the map. All this location is even and suitable for the purpose of making salt, except about two acres on the southwest corner thereof, which is of an uneven surface.

Neither Samuel B. Noble or Benjamin Barlow has located any vats on the land set apart for them.

On the lots set apart to Martin Miner & Co. there is an erection of a building intended to boil salt, and vats attached thereto, which has remained for the last three years unoccupied, and the same has considerably decayed.

On the lot set apart to Benajah Byington there are 5 or 6 erections, in which salt is manufactured by artificial and solar heat combined. These erections cover less than one half of said ground; but some part of the vacant land is used for placing wood and boards.

I have omitted making surveys of the land set apart to M. Miner & Co. and to B. Byington, believing such surveys to be unnecessary.

I am your obedient servant.

NEHEMIAH H. EARLL

IN ASSEMBLY,

March 10, 1834.

REPORT

**Of the superintendent of the Onondaga salt springs,
in obedience to a resolution of the Assembly of
the 28th February last.**

In obedience to a resolution of the honorable the Assembly, passed the 28th of February, 1834, directing "that the superintendent of the Onondaga salt springs and the inspector of salt in the county of Onondaga report, with as little delay as possible, the amount of commissions received for their services, for the past year, the amount paid to each of their deputies, clerks or assistants, giving their names and places of residence, together with their disbursements and expenditures," the undersigned, the superintendent of the Onondaga springs, has the honor to

REPORT:

That the commissions for the past year amount to three thousand two hundred and ninety-eight dollars and forty-three cents, and that he has paid out to his deputies as follows, to wit:

To Augustus H. Scoville and Luis Crosby, of the village of Salina,.....	\$300
To Vivas W. Smith and Silas E. Smith, of Syracuse,	270
To James H. Luther, of the village of Geddes,.....	200
To Jonathan P. Hicks, of the village of Liverpool,	150
	<hr/>
	\$920
	<hr/>

Amounting to nine hundred and twenty dollars. In addition to the amount mentioned above as expended, the undersigned has expended other sums of which he has kept no account, and is unable

to state the exact amount, to wit: in the purchase of an awning for the Salina office; in the purchase of desks and signs for the offices; also in furnishing stove and pipe, and fuel; also travelling expenses, while attending to the duties of said office; and for postage, which he thinks amounts to about three hundred dollars; and that he verily believes, after deducting the above mentioned expenditures, some other contingent expenses not recollected, and some losses in the receipt of bad money, he has not realized from said office more than one thousand seven hundred and ninety-eight dollars and forty-three cents.

I am, your obedient servant.

NEHEMIAH H. EARLL.

The Honorable the Speaker of the House of Assembly.

IN ASSEMBLY,

March 12, 1834.

REPORT

**Of the committee on the petitions of aliens, on the
petition of James Russell, jr.**

Mr. Osborne, from the committee on the petitions of aliens, to which was referred the petition of James Russell, jr. praying for the passage of a law to enable him to take, hold and convey real estate,

REPORTED:

That the petitioner represents that he is a native born citizen of Scotland, and emigrated to this country in the year 1801; that he has ever since resided in the county of Delaware, in this State, where he has accumulated considerable property, and has a large family, among whom are seven American born sons.

By the existing laws of Congress, any alien, who was residing in this country prior to the commencement of the war of 1812, and who still resides here, may at any time, upon taking the oath of allegiance to our government, not only become authorised to take and hold real estate, but at once entitle himself to all the rights, privileges and immunities which our own native born citizens enjoy.

Your committee, believing that the present laws were sufficiently liberal to meet the case of the petitioner, were led to inquire into the necessity of passing a special law for his benefit, and have understood that he declines availing himself of the provisions of the existing laws, on the ground that as a member of the religious sect called covenanters, he entertains conscientious and religious scruples against taking the requisite oath of allegiance. This objection is not to any form of the oath or affirmation to be administered, but it is against our Constitution and form of government, which he cannot in any manner promise to support.

Your committee, while they would not wish to infringe upon the rights of conscience of any individual, yet ask to be indulged in entertaining themselves, some conscientious scruples against permitting those foreigners from becoming owners of our soil, who feel religiously bound to withhold their support from the constitution under which they choose to live; and believing that a compliance with the prayer of the petitioner, on the grounds assumed, would establish a deleterious, if not dangerous precedent, have instructed their chairman to report the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,

March 11, 1834.

REPORT

Of the committee on claims, on the petition of Lawrence Schermerhorn.

Mr. Robertson, from the committee on claims, to whom was referred the petition of Lawrence Schermerhorn,

REPORTED:

The petitioner represents that the Erie canal passes through his lands in the town of Rotterdam, county of Schenectady; that his well of water was destroyed by said canal; that the Canal Commissioners caused the construction of another well, which answered every purpose desired, until within the last four years, since which time it has been useless by the "irruptions" of the canal; that at the time the Commissioners proposed constructing this new well, which has failed in supplying him with wholesome water, the petitioner did not agree with the said Canal Commissioners to accept of said well as compensation for damages, for he did not at the time believe it would answer the purposes which the well destroyed had done; that the Commissioners constructed the new well on their own responsibility, without the assent of him, the petitioner. The petitioner further represents, that a public house is kept on the premises where this well is destroyed; that it is a great thoroughfare for travel, therefore making the loss of the well much more injurious to him. The petition is accompanied with two affidavits, one of which verifying his statement in relation to the destruction of his said wells, and the other as to his not assenting to the construction of the well by the Commissioners as satisfactory for the said injury.

Your committee, one of whom having had an interview with one of the honorable the Canal Commissioners, cannot ascertain that any allowance has ever been made the petitioner for the injury of which he complains, are unanimously of the opinion the petitioner ought to be rewarded for such damage as he has suffered, therefore ask leave to introduce a bill to that effect.

IN ASSEMBLY,

March 12, 1834.

REPORT

Of the committee on trade and manufactures, relative to the annual reports of sundry inspectors of flour, lumber, &c.

Mr. I. S. Parker, from the committee on trade and manufactures, to whom was referred the annual reports of sundry inspectors of flour, lumber, &c.

REPORTED:

That they have gone through with the several reports submitted to them, and find the said reports of R. C. Theall, Francis Peckwell, Thomas L. Ostrom, Benjamin C. Capron, Richard B. Fosdick, Edward S. Fuller, Nathaniel Challes, Dayton H. Fuller, Nathaniel Parmerter, Isaac Ingersoll, John J. Morriss, John P. Haff, Benjamin Cooper, Jacob Lockman, Isaac Sherwood, John Brace, Isaac Leonard, Peter Conrey, Caleb Smith, Stephen E. Maltby, E. L. Boynton, James N. Nelson, Howard A. Simons, Jeffry Hand, Philo Lewis, William Barber, Abraham A. Slover, Dennis Belding, Ebenezer Robbins, Daniel Deitrich, Jacob Shumway, Erastus Miller and Robert Dingee, correct, as required by law.

They also find the reports of George Charles, Henry Strang, N. Willson, Eldridge Havens, Jason Rudes, A. Wilson, W. P. Lansing, Henry Howard, James A. Buckbee and Garrit Lansing, Jr. incorrect, inasmuch as they do not state the value of the articles inspected by them, pursuant to the requirements of chapter 17, title 2, article 13 of part first of the Revised Statutes.

Your committee, therefore, recommend the passage of the following resolution:

[Assem. No. 297.]

Resolved, That the annual reports of Garrit Lansing, Jr., George Charles, Henry Strang, N. Wilson, Eldridge Havens, Jason Rudes, A. Wilson, W. P. Lansing, Henry Howard and James A. Buckbee, be returned to the several persons making the same for correction.

IN ASSEMBLY,

March 12, 1834.

REPORT

**Of the committee on the judiciary, on the bill entitled
“An act to enable courts of law to give relief
against adverse claims made upon persons having
no interest in the subject of such claims.”**

Mr. Gordon, from the committee on the judiciary, to whom was referred the bill, entitled “An act to enable courts of law to give relief against adverse claims made upon persons having no interest in the subject of such claims,”

REPORTED:

That the bill proposes to extend to courts of law equity, powers in cases where a person sued at law for the recovery of money or goods, wherein he has no interest, and which are also claimed of him by some third party, having no means of relieving himself from such adverse claims but by a suit in equity against the plaintiff and such third party, usually called “a bill of interpleader.”

This increase of power and equity jurisdiction, is by the bill, given in actions of assumpsit, debt, covenant, replevin and trover, on an application by affidavit or otherwise to the court in which the suit is pending, shewing that such defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed by or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not collude with such third party, but is ready to bring into court, or to pay or dispose of the subject matter of the action, in such manner as the court or any judge thereof may direct.

[Assem. No. 300.]

The bill makes it lawful for the court, or any judge thereof, to make rules and orders, calling upon such third party to appear and to state the nature and particulars of his claim, and to maintain or relinquish his claim; and upon such rule or order, to hear the allegations as well of such third party as of the plaintiff, and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant in such trial; or with the consent of the plaintiff and such third party, their counsel or attorney, to dispose of the merits of their claim, and determine the same in a summary manner, and to make such other rules and orders therein, as to costs and all other matters, as may appear just and reasonable. The judgment in any such action or issue as may be directed by the court or judge in a summary manner, shall be final and conclusive against the parties, and all persons claiming by, from or under them.

There are other detailed provisions in the bill of a similar character to the above, carrying out the main principles upon which the bill is founded.

The provisions of the bill are somewhat complicated, and dispose of the important rights of parties in a summary manner. Besides the bill seeks to draw to courts of law the powers and practice of courts of equity.

The courts of law and equity in this State are dissimilar as to their practice and generally as to the cases on which they exercise their power, the one proceeding according to the course of the common, the other the civil law.

Your committee deem it inexpedient to confound the courts of law and equity, their powers and practice, believing that each in their proper sphere of action will operate as heretofore, most beneficially on the rights of their numerous suitors, and are therefore, for the above, and other reasons that might be urged, of the opinion that the bill ought not to become a law.

IN ASSEMBLY,

March 12, 1834.

REPORT

Of the committee on the judiciary, on the petition of the members of the bar of the county of Onondaga.

Mr. Clary, from the committee on the judiciary, to which was referred the petition of the members of the bar of the county of Onondaga,

REPORTED:

That the petitioners represent that a great proportion of the law business of the said county is done in the court of common pleas: that there are four terms of said court in each year, and which continue nearly three weeks each: that the present first judge, the only member of the bench who is an attorney and counsellor of the supreme court, was for many years previous to his appointment to that office a practising lawyer in that county, and has sacrificed the principal part of his law business, by accepting said office: and the petitioners ask for a law to provide a further compensation to the first judge of said county, in addition to that now allowed by law.

Your committee are of the opinion that if there is any alteration made in the law, with regard to fees to be allowed to the first judge of county courts, it should be general in its operations, and apply to every county in this State. Judges of county courts are now, by law, entitled to the sum of two dollars per day, for their services in holding the said courts. In addition to this sum the first judge is entitled to other fees and perquisites for official services which accrue during the progress of a suit. And as it appears, from the petition, that a great share of the law business of the county of Onondaga is done in the common pleas, the chamber bu-

[Assem. No. 301.]

siness of the said first judge would probably amount to a considerable sum during the year.

Your committee are, therefore, of the opinion that this is not such a case as requires legislative aid at this time, and they beg leave to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

IN ASSEMBLY,

March 12, 1834.

REPORT

Of the select committee on the petition of Anthony Rhodes and others.

Mr. O. Robinson, from the select committee, to whom was referred the petition of Anthony Rhodes and others, praying remuneration for certain improvements made on lots 28 and 64, in the Freemasons patent, in the town of Litchfield, in the county of Herkimer,

REPORTED:

That from a careful examination of the facts contained in said petition, and the documents and papers accompanying the same, and also from divers reports heretofore made to the Legislature by the Attorney-General and committees to whom claims similar in all respects were referred, it appears, that on the 12th June, 1771, the then colony of New-York, by letters patent, conveyed the premises in question, together with divers other lots, to William Bayard, Allan McDougall, and 53 others; that on the 19th day of October, 1771, Allan McDougall and William Kane, two of the patentees, conveyed by deed all their interest in the lands granted, being the undivided $\frac{1}{2}$ parts thereof to John Weatherhead; that on the 2d day of March, 1773, Weatherhead gave a mortgage on said lots, together with others, to Thomas Wormald and Joseph Fountain, payable in August, 1773, which mortgage was registered in 1787. That on the 17th day of July, 1787, the three commissioners, appointed by virtue of an act passed the 11th March, 1787, to make partition of the lands described in the patent, made partition thereof, by which lots 64 and 28 fell to the share of McDougall; that on the 22d of October, 1779, the Legislature of this State passed an act of attainder against John Weatherhead.

[Assem. No. 302.]

therhead and others, by which his lands became forfeited to the State. That on the 30th of December, 1803, Samuel Merry jr. filed in the Surveyor-General's office a discovery of certain lands in the Freemason's patent, alleged to have been forfeited to the State, in consequence of the attainder of said Weatherhead, amongst which lands were the lots in question. That on the 26th day of June, 1804, the lots in question with others were appraised by Evans Wherry and John Myers, pursuant to the directions given therein by the then Attorney and Surveyor-Generals of this State. That it appears from the field book in the Surveyor-General's office, that lot 64 contained $488\frac{5}{16}$ acres, and was appraised by the said Wherry and Myers at \$3,345, equal to \$7 per acre; and that lot 28 contained $476\frac{3}{4}$ acres, and was estimated at \$2,981.13, equal to about \$6.25 per acre. That said mortgage was assigned or otherwise transferred by said Wormald and Fountain, to one John Thurman; that about the year 1800 said Thurman brought actions of ejectment against the occupants of said lots 28 and 64. That at a circuit court held at Herkimer in Sept. 1803, one of said causes was tried, and a verdict rendered therein in favor of the defendant. That a compromise was then made by the occupants of said lots with said Thurman, by which said arrangement said occupants agreed to pay and did pay said Thurman the sum of one dollar per acre, for all the land contained in said lots, and took from said Thurman, as they allege, written discharges, or quit-claim deeds, for said lots, which discharges or deeds, they also allege, are lost or destroyed.

It also appears that the petitioners first purchased the lands in question about forty years since, of one Eli Brown, who claimed to be the owner thereof, and paid him therefor the sum of one dollar per acre; that soon thereafter it was ascertained that Brown had no title to said premises; that they then ascertained that said lots belonged to one Henry Platner; that Platner had a deed executed by Allan McDougall, and dated the 8th day of September, 1776, for all his right and title to the Freemasons patent, being $\frac{1}{2}$ part of the same, or two lots. That said deed has been exhibited to your committee, the genuineness of which is not doubted; that the petitioners then purchased the premises in question of said Platner, and paid him therefor the sum of four dollars per acre. That some of the petitioners took deeds of said Platner, which were dated in the year 1795, and which have been exhibited to your committee. That at the time this last purchase was made,

the petitioners had made considerable improvements upon the lands in question, which had greatly increased their value.

That before the petitioners made said compromise with Thurman, they understood that the State had a title to said lands in consequence of the attainder of Weatherhead; that they thereupon petitioned the Legislature to cause said claim to be asserted, with a view (should said claim prove to be good) that the petitioners might avoid the payment of the mortgage to Thurman, and get a good title to the lands, which they had twice before purchased and paid for. That it was deemed inexpedient on the part of the State, to interfere in said matter, or even purchase in the mortgage aforesaid, which they were solicited to do by the petitioners.

That having discharged the said mortgage, (so far as related to these lots,) the petitioners fully believed their title to be finally and firmly settled and established, and under this supposition remained quiet until the 15th of April, 1814, when the Legislature passed an act authorising the Comptroller, amongst other things, to purchase said mortgage, which it appears was done, and the last payment therefor made to the executor of Thurman in April 1817; that the occupants (the petitioners) were then required to pay the State the full amount of the appraisment made by Wherry and Myers in 1804; that long before 1814, the State had abandoned all claim to said premises, in consequence of the attainder of Weatherhead.

Your committee are of opinion, that by the payment made by the petitioners, John Thurman and the releases given by him discharged the said mortgage, so far as the same related to lots 64 and 28; and that the State had no right, either in law or equity, to coerce the payment, in whole or in part, from the occupants or owners of said lots.

Your committee are also of opinion, that said Wherry and Myers, when they appraised said lands, took into consideration and included in their estimate, the increased value of the premises in consequence of the improvements which had been put thereon by the petitioners. That such was the fact is made to appear to the satisfaction of your committee, by the affidavits of several respectable persons who were knowing to the transaction.

It also further appears to your committee, that the claimants have from time to time, since the year 1817, petitioned the Legislature for relief.

Your committee, from a consideration of all the facts in the case, are of opinion that the claimants are entitled to the relief which they ask, which is the value of the improvements made upon the lands in 1804, the time when the appraisal was made, together with interest from the 17th day of December, 1817, at the rate of six per cent, being the time that the occupants took deeds from the State, and from which time the occupants have paid interest to the State on the appraisal as made in 1804.

Your committee therefore recommend that the heirs of Thomas Canfield be allowed at the rate of \$3.50 per acre for their improvements on thirty-four acres of lot 64; the heirs of Moses Brockway the same on one hundred acres, part of the same lot; and Anthony Rhodes, Nathan Bumpus and Peleg Brown, be each allowed at the rate of \$2.25 per acre for their improvements on one hundred acres each of lot 28; and that the heirs of Zadock Rider be allowed at and after the same rate for the residue of lot 28, being 176 acres, corresponding with the relief granted to Nathan Underwood and others, settlers on the residue of lot 64, by an act passed April 19, 1830.

In conformity with the above views, your committee have prepared a bill, which they herewith ask leave to introduce.

IN ASSEMBLY,

February 12, 1834.

REPORT

Of the committee on claims, on the petition of Samuel Hollister and Jesse Hollister.

Mr. Ingalls, from the committee on claims, to which was referred the petition of Samuel Hollister and Jesse Hollister, praying for damages in consequence of the diverting the waters of the Cowassalon creek from their saw-mill, as a feeder to the Erie canal,

REPORTED:

The petitioners state, that in the year 1816, they erected a saw-mill on the Cowassalon creek in the town of Lenox in the county of Madison, at an expense of nearly two thousand dollars: That in 1819, a portion of the waters of said creek were diverted from the mill, to serve as a feeder to the Erie canal: That the damages of the memorialists were then appraised at twelve hundred and fifty dollars, the appraisers founding their decision wholly on the ground that the canal would not prevent the running of the mill to exceed three months in the year, and that the mill would have the benefit of all the surplus water flowing from that stream. After this, the memorialists, at great expense, brought to their works another stream, which passed under the canal, and were again for a season successfully and profitably employed. That in 1827, the surplus waters of the canal at that place were sold by the State, for nearly four thousand dollars, which utterly destroyed their mill and privilege. That they subsequently made an application to the Legislature for damages, and obtained an act authorising the assessment of their extra damages in consequence of being wholly deprived of the surplus waters of the canal, and of said creek. During this investigation, they allege that they only asked for damages already sustained, and not for prospective damages; that

they did not know that the decision of the appraisers was finally to close their claim; that when they discovered their mistake, it was too late to give any proof of the value of the mill and privilege of which they had been deprived. Your committee cannot well conceive how this could happen. It seems that the petitioners had had rising of two years after they were deprived of their privilege, to reflect upon their rights, and to prepare to present their claim in the most advantageous light to the appraisers. It is inconceivable to the committee how they could suppose that the Legislature should periodically pass laws for their relief; as, however, the petition is sworn to, it may be so. If this be the case, they must have been singularly obtuse in relation to their rights; and having had two full and fair opportunities to appear before the appraisers and prove their damages, your committee are of opinion that the fault lies at their own door, and that they are not entitled to the relief sought, and that the prayer of the petitioners ought not to be granted.

IN ASSEMBLY,

February 13, 1834.

REPORT

Of the select committee, on the petitions for the extension of the law relative to horse racing, to the county of Ontario.

Mr. Osborne, from the select committee to which was referred the several petitions of sundry inhabitants purporting to be of the county of Ontario, praying that the provisions of the law relating to horse racing in Dutchess county, might be extended to the said county of Ontario,

REPORTED:

That the petitioners represent their belief that the present law prohibiting the running of horses for prizes, is detrimental to the improvement of the breed of that animal. That in this extended country, where the use and convenience of the horse is so much required, every possible means should be exercised to encourage the improvement of the stock; and declare themselves also impressed with the belief that the "*sport of the turf*," under wholesome restraints and regulations, is the only proper mode of effecting this object; and suggest that this might be done in such a manner as to have the races at stated periods in the fall or spring, and requiring the attendance of the legal executive officers of the county. They therefore pray that the law relating to horse racing in Dutchess county, may be extended to Ontario.

By the Revised Statutes of this State, all horse racing for prizes is prohibited, and such races declared to be common nuisances, and all persons concerned in them, in whatever character, to be guilty of misdemeanor. Exceptions are made in favor of those courses then authorised by existing laws. These were two in number, one in Dutchess and the other in Queens county. The law authorising

them in Queens, will expire in 1836. Your committee are not sufficiently acquainted with the benefits resulting from those courses, to warrant them in recommending similar ones to be established in the other counties of the State. Under the best regulations which could be adopted, your committee are apprehensive a train of evils would follow, encouraging idleness, immorality and vice, and depressing the moral standard of the community, which would more than counterbalance any supposed benefits to be derived from such licensed and regulated courses. Your committee find it difficult to arrive at the conclusion, that what in one county is a *common nuisance*, in another, under any regulations, can be a *public benefit*; and it appears to them equally inconsistent that the public officers of one county shall be required to *suppress*, what in another they shall be required to *protect*. And as the general policy of the State, for several years past, has been to discourage every species of gambling and adventure, your committee see no reason for departing from it in the case under consideration; they therefore beg leave to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

IN ASSEMBLY,

March 3, 1834.

STATEMENT

Of the Funds and Property of the New-York Chemical Manufacturing Company, Feb. 26, 1834.

Chemical manufactory,.....	\$100,000 00
Due from factory,.....	60,416 25
Bills discounted,	784,337 69
Notes of city banks,	47,059 44
Due from city banks,	36,599 32
Due from foreign banks,	12,151 97
Expenses,.....	337 50
Banking-house, plates, &c.....	3,200 00
Specie,	48,482 55
	<hr/>
	\$1,092,584 72
	<hr/>

Capital stock,.....	\$500,000 00
Bills in circulation,	169,799 00
Post notes,	100,000 00
Due to city banks,	47,325 10
Due to foreign banks,.....	13,758 42
Dividends unpaid,	2,993 82
Profit and loss,	17,299 02
Discounts received,.....	2,909 66
Individual deposits,	238,499 70
	<hr/>
	\$1,092,584 72
	<hr/>

E. E.

JOHN MASON, *President.*
ARCH. CRAIG, *Cashier.*

New-York, Feb. 26st, 1834.

[Assem. No. 305.]

. Feb. 1833, to 1st Feb. 1834.

To s To 1 an		fortis.	Muriate of tin and brown salts.	Copperas.	Aqua ammonia and ether.	Spirits of nit. fortis and Camphor.	Spirits of nitre dulcis.	Bronze liquor.	
Chem									
Stocl									\$24,662 79
									28,441 14
									16,792 18
									6,381 79
Due		72							6,537 09
Less		..	7,243						3,436 66
		240,443					989 13
		5,692				5,828 11
		7,880			1,098 18
		3,300	Galls.	2,570 45
Dedu		3,303		419 00
		3,303		1,083 15
		572	7,243	240,443	5,692	7,880	3,300	3,303	\$98,239 67

d.

JOHN MASON, *President.*
ARCH. CRAIG, *Cashier.*

IN ASSEMBLY,

March 12, 1834.

ANNUAL REPORT

Of the Managers of the Brooklyn Savings Bank.

Pursuant to the act incorporating the Brooklyn Savings Bank, the Managers beg leave to present their annual report, which is as follows:

The amount received from depositors from the first
January, 1833, to the first January, 1834, \$27,542 45
Amount due depositors first January, 1833, 68,180 87
Due depositors first January, 1834, \$95,723 32

The amount invested in Brooklyn village
stock, is \$1,000 00
In bonds and mortgages, 67,000 00
In cash uninvested, 27,005 25
Interest due first January, 1834, 2,288 04
..... \$97,293 29

Which leaves a balance in favor of the bank of \$1,569 97

All which is respectfully submitted.

March 5th, 1834.

A. VAN SINDEREN, *President.*

JAMES S. CLARK, *Secretary.*

IN ASSEMBLY

March 1, 1834.

ANNUAL REPORT

Of Samuel Howell, an Inspector of Lumber in the
city and county of New-Yk.

To the Honorable the Legislature of the State New-York.

Returns of inspection of lumber for the year 1833, for the city
and county of New-York, commencing January first, 1833, until
December thirty-first, same year, as follows:

<i>Feet.</i>		<i>inch meas.</i>	<i>Fees.</i>
4,343 live oak,	cub	52,116	\$52 04
17,298 oak timber,	"	207,576	103 50
9,984 locust,	"	119,808	102 50
3,611 red cedar,	"	43,332	45 50
13,442 southern pine,	"	163,332	40 25
348,427 oak plank,	perificial,		130 67
374,852 pine and spruce scantling,	"		102 97
186,421 pine boards,	"		69 90
75,312 chestnut scantling,	"		28 24
47,209 ash plank,	"		17 63
			<hr/>
			\$693 20

Recapitulation, 1,618,375 feet inch measure.

SAMUEL HOWELL.

New-York, February 27th, 1834.

IN ASSEMBLY,
March 13, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of sundry inhabitants of the village of Lewiston.

To the Assembly.

The Commissioners of the Land-Office, to whom was referred the petition of sundry owners of lots in the village of Lewiston, praying for a re-survey of the plot of that village, for the better identifying the boundaries of lots,

RESPECTFULLY REPORT:

That the Commissioners have full power, under the provisions of the act of 12th March, 1831, Laws of 1831, chap. 61, page 64, to grant the required relief; and that they will, at an early day, proceed to inquire into the facts of the case, and to adopt such measures as may be necessary. The matter of the petition will not, therefore, require any action on the part of the Legislature.

JOHN A. DIX, *Secretary.*

SIMEON DE WITT, *Surv'r-Gen'l.*

A. C. FLAGG, *Comptroller.*

GREENE C. BRONSON, *Att'y-Gen'l.*

A. KEYSER, *Treasurer.*

March 12, 1834.

IN ASSEMBLY,

March 13, 1834.

REPORT

Of the select committee, on the petition of the trustees of public lands, in the town of Rye, Westchester county.

Mr. Anderson, from the select committee, to which was referred the petition of the trustees of public lands in the town of Rye, in the county of Westchester,

REPORTED:

That in the year 1821, an act of the Legislature was passed, authorising the inhabitants of said town to elect trustees to dispose of certain lots of land in said town, which was amended in the year 1826, extending the powers of the trustees. By the provisions of those acts said trustees were directed to invest the proceeds of said lands in stocks of this State, or of the United States only.— They now petition the Legislature for leave to loan said moneys upon bond and mortgage.

The committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted, and ask leave to introduce a bill.

IN ASSEMBLY,

March 14, 1834.

REPORT

Of the select committee on the petition of Isaac Requa and his associates.

Mr. Anderson, from the select committee, to whom was referred the petition of Isaac Requa and his associates, of the county of Westchester,

REPORTED:

That the said company have been associated together since the year 1815, as a society for the purpose of suppressing horse stealing, and that since the said period of time the society has greatly increased in numbers, and that the funds belonging to the same have increased to a considerable amount beyond what is at present needed to carry on the designs and intentions of the said society, and that for the better security and management of the same, the petitioners ask for an act of incorporation. It appears from papers accompanying said petition, that the said society has been in operation about nineteen years, during which time they have been the means of recovering a number of stolen horses belonging to members, and in most cases have taken the thieves and brought them to punishment.

Your committee think that the prayer of the petitioners ought to be granted; they have prepared a bill accordingly, and ask leave to introduce the same.

IN ASSEMBLY,

March 15, 1834.

REPORT

**Of the joint committee of the Senate and Assembly,
on the memorials from several counties in this
State, relative to the subject of an agricultural
school or schools.**

Mr. Herttell, from the joint committee of the Senate and Assembly, to which was referred the memorials from several counties in this State, on the subject of an agricultural school, or schools,

REPORTED:

That they have had this subject under their serious consideration, and have canvassed all the plans for the promotion of the science of agriculture, which have been presented by the petitioners, or suggested by practical agriculturists.

It appears to the committee that there are only two propositions which it would be necessary to present to the Legislature. One is an annual appropriation of a sum of money to be distributed among the agricultural societies in the several counties of this State, where the county society is or may be organized, to be distributed as premiums in such manner as the societies may direct, and proceeding very much in the plan as heretofore pursued by agricultural societies; and its details will be found in the report of a committee of the Assembly, in Assembly Documents, vol. 4, No. 312, for 1833.

The objections to this appropriation of the public moneys are many, and deserving much attention. Among others, it has been

[Assem. No. 311.]

said with much force, that they contributed only in a small degree in diffusing the science among the great body of the people, and that the premiums were invariably awarded to persons of considerable property, who were enabled by the use of manure on a limited piece of ground, to force on extraordinary vegetation, and that they were not essentially beneficial to the great body of the farmers, confined as they were to local cultivation, and unconnected with scientific experiments on an enlarged scale.

The gradual decay of those societies in almost all the counties of the State, would seem to show, that for this and other good causes, the benefits derived were not equal to the expense and trouble of supporting them. The committee however do not in this respect, intend to disparage such societies, by voluntary associations in the counties, nor to interfere with their operations. Being satisfied that much good has been done among the richer portion of farmers entering into competition with each other. What is required by the farmers is a school of instruction for the rising generation, and in the opinion of your committee, the time has arrived to establish and endow such a school.

It has been pressed on the committee, that there ought to be several schools created at the same time, so as to have one at least in every Senate district. The objections to this plan are, that as it is an experiment still wanting the test of time, as to its efficacy and general results; a prudent Legislature would hesitate to authorize so large an expenditure at one time, however satisfied they might be as to its practical usefulness and final success. It is self-evident that much experience will be acquired in the management and economy of such a school, which will be of great use hereafter in organizing similar establishments in different parts of the State, in the studies to be pursued, and in the administration of its police, together with a variety of other considerations, which will readily present themselves to the minds of gentlemen, who reflect on this subject.

The question now is, in what manner can the State aid its citizens in the pursuits of agriculture, so as to lay a sure and safe foundation for the rising generation, without being accused of hasty and rash legislation? In the opinion of your committee, this can

only be done by the liberal endowment of an agricultural school, to be located at some central point, that it may be visited by citizens of this State and foreigners, who may sojourn in our land, with a desire of permanently investing their capital on this side of the Atlantic. It appears to us very clear that to obtain a good opinion of this class, it would be necessary to demonstrate the anxiety of the State, to encourage agricultural pursuits. Gentlemen who emigrate from Europe with the intention of making agriculture the main objects of their separation from their native State, would be gratified to ascertain that in New-York a school of science was provided, to which their children could be sent, with a certainty of liberal and safe instruction; and it cannot be denied that the introduction of foreign capital under such circumstances is always beneficial. Such emigrants are the operatives of their own country; and here it is also worthy of observation, that it would not disparage the character of New-York in leading the march to intellectual improvement in the art of agriculture. Considerations of this description demand attention; but they are of minor importance compared with the lasting and beneficial influence which would diffuse itself throughout the State, raise its character for liberal institutions, and go down to posterity as one of the lasting benefits conferred on it by a wise Legislature.

Your committee are of opinion, that the establishment of an agricultural school will be more beneficial to those who will follow us than who now legislate on the subject; and there is no reasoning so fallacious as that which defers a good act because its benefits cannot be immediately realized by the donors. It is the same in the establishment of colleges, academies, and other seminaries of information; all have been benefitted by those who preceded them; and more particularly to the science of agriculture is the remark applicable. Experience, we say, experience founded on scientific principles is most to be courted, never avoided. It has been said, and truly, of our colleges and academies, how few educated in them have distinguished themselves in proportion to the number educated. This may be granted, but it cannot be denied that many who have not risen to the level of public notice, have done great service in the humble sphere in which they have acted. It is so in all the sciences, and some drones may leave the agricultural school without a relish for its continued pursuit.

We, however, entertain the opinion that this school will be an exception. In the pursuit of *classical* studies, from the ill temper or imperfect knowledge of the teacher, or from some obtusity of intellect in mastering studies requiring much research, the student, young and inexperienced as he is, cannot comprehend why he is made and forced to learn a language, not only differing from his own, but one he is more ready to forget than he was to acquire. We speak on this subject the language of enlightened men in both regions of our globe: a few, a chosen few, in whose bosoms the aspirations of future fame and reputation prevail, will overcome the difficulties, and afterwards pursue the studies which were toils in their youth, but now are the solace of manhood. We can confidently appeal to the Legislature for the truth of this assertion. We do not intend to disparage, or in any manner to withdraw legislative aid to seminaries of learning, in which the higher branches of mathematics in connection with the study of classical authors are taught. Far from it; we have cherished, we have more than cherished them. We have endowed them most liberally; and the reward has been to the State, the facilities of education, common to all persons in moderate circumstances.

Still your committee beg leave respectfully to suggest, that if a student at the age of fourteen years (qualified by a previous course of study) should be placed in an agricultural school, under the direction of competent teachers, under a guarded police, combining the study of agriculture as a *science* with the practical operations of every day on the farm, of which he will be one of the cultivators; where constantly will be submitted to his eye, the effects produced by the various operations of dressing and manures; the variety and component parts of soils, the affinity of one to certain vegetables, and their dislike to others; showing the most profitable mode of husbandry. We ask, do you not fix the mind at such an eye to the pursuits of labor, by making labor a pleasure, while you superadd the instructive desire of gain.

These habits once fixed will not free themselves from our pupils as they are apt to do from other studies, because they are in unison with the every day walks of life; while the pursuits of classical learning call for leisure and years of silent study. The first addresses itself to the feelings and the interests of its professor, the other to his imagination and literary fame.

But this is not all; you afford to students thus educated (if not worth a cent) an opportunity of taking farms for a term of years, which will lay the foundation of their future prosperity. You do more; you create a nursery of young men, who will be enabled to disperse throughout the State a system of practical agriculture, on principles founded on the immutable laws of nature. The flux and reflux of the tide is not more certain, than the advantages of a well educated farmer, whose opinions or prejudices, if you please, are corrected by actual observation and experience, over the ordinary farmer.

But there are other considerations. You will establish a seminary in which young men can and will be reared, to take charge of other schools in such parts of the State as the Legislature may direct. Men accustomed in early life to habits of industry, connected with the science in which they are engaged, able, competent and zealous in the pursuit of objects which promise and award more satisfaction and comfort, than all the political aspirations which dawn upon youth. The earth always yields to her children the reward of their labors and toils.

The committee are apprehensive that this report is already too much extended; but it is a subject to which they desire to do some justice, not only for its merits, but for the blessings it will bestow on their posterity. They proceed to examine some objections.

If it be said that the institute will not immediately benefit the poorer classes of people, as now proposed, they readily admit it; but they answer, that as an experiment, it is but fair to start with an institution which will command scholars, willing and able to pay. The value of their labor, the produce of the farm, its capacity of production, and by the boarding of scholars, will soon demonstrate who is right, on the subject of the school not only paying the interest of the sum invested, but gradually discharging the principal. If we are, then in the process of time, will these benefits be extended to every county in the State, and we need not urge that the cultivator of the soil, is, after all, the main guardian of the liberties of the State.

This subject has, however, been before fully discussed; and as we do not desire to repeat, we refer to the report of the Senate committee, which will be found in document No. 79, 2d volume of

Senate Documents, because they are fully aware that if the considerations above presented, should not prove satisfactory, still the enlightened and business like view taken by his Excellency the Governor, in his last message, ought to claim for this subject an early consideration. He says:

“The subjects connected with the pursuits of our constituents, next claim our notice. Among these, agriculture stands first in the order of nature, as well as in the rank of importance. It contributes so essentially to wealth, that the early writers on political economy, regarded it as the only source of wealth. It furnishes the means of human subsistence, and supplies most of the materials for manufactures, and the chief articles of commerce. When the labor of the farmer is bountifully rewarded, all other kinds of industry partake of its success; whatever, therefore, is done by the government for the agricultural interest redounds to the benefit of every other. There is no occupation which is so diversified in its objects, and requires such various knowledge to conduct it skilfully, as that of agriculture. This knowledge results from experiments in all climates, soils and seasons, and is consequently to be derived from different countries. It receives large contributions from the mechanic arts, and from the sciences of botany, chemistry and natural philosophy. The patronage of the government can scarcely be directed to a more useful object than furnishing the means of collecting information on this subject, and of spreading it among the agricultural population. A board composed of practical farmers and men of scientific acquirements, would possess great facilities for concentrating this various and scattered information; and the best means of disseminating it among the people, would be afforded by a public institution, under the direction of such a board, where agriculture should be taught as a science, and practically illustrated as an art. The general interest felt for this branch of industry, will recommend it to your favor; and its intimate connexion with the permanent prosperity of the State, will make you desirous of contributing to its advancement.”

The committee report the same bill as that of 1833. If the principal meets the approbation of the Legislature, (as they have no doubt it will,) they will be prepared to offer further sections to carry out its provisions; without some expression on the subject, they have not deemed it necessary to proceed farther than a skeleton

bill. But they earnestly recommend this subject to the serious and deliberate consideration of the Legislature, as a measure more important than any which now load our tables; one in which the people, and the whole people, are vitally concerned; one which cannot be productive of any injury to the public, and which presents the fairest prospect of resulting in the greatest possible good.

IN ASSEMBLY,
February 17, 1834.

REPORT

Of the committee on claims, on the petition of John Melick.

Mr. Robertson, from the committee on claims, to whom was referred the petition of John Melick, praying for the passage of a law to refund to him the sum of eighty dollars, paid by him to the Treasurer of this State, for a pedler's license,

REPORTED:

The petitioner represents, that he is an inhabitant of the town of Waterford in the county of Saratoga: That in the year 1824, he embarked upon the Erie canal, in a trading voyage, with an assorted cargo of merchandize, on board of a boat called the "Trader of Waterford;" and for the purpose of legalizing his enterprise, previous to his embarkation, he obtained from the Secretary of State a pedler's license for the term of one year, for which license he paid eighty dollars, and two dollars fees to the office: That he then proceeded on his voyage, disposing of his goods at wholesale and retail, until the twenty-fourth June of the same year for which he obtained license, when he was arrested and taken before a magistrate in the county of Monroe, on a charge of having sold on his boat half a gallon of rum, in violation of the statute regulating inns and taverns: That he paid five dollars, counsel fee, for defending the suit; and notwithstanding the defence so made, he was convicted and fined twenty-five dollars; and was afterwards compelled to take permits from the town authorities in which he offered his liquors for sale, paying for each permit five dollars.

The petitioner therefore prays the passage of a law, to refund to him the money which he paid for his license, defending suit, and

for permits to sell his liquors, in consequence of the invalidity of his State license.

In the opinion of your committee, the petitioner is under a mistake in the belief that a license granted by the State, in pursuance with "An act to restrain hawkers, pedlers and petty chapmen from selling without license in this State," passed February 25th, 1813, authorised or warranted his selling spirituous liquors in quantities less than five gallons, in any of the towns bordering upon the canal, contrary to the statute regulating inns and taverns; and that so far as he has become a sufferer, it is in consequence of his misconstruction of the privilege granted him by the said State license; and as he has enjoyed all the benefits which was intended by said license, the committee believe the prayer of the petitioner ought not to be granted, and propose for the adoption of the House the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,

March 15, 1834.

REPORT

Of the select committee on the petition of sundry inhabitants of the county of Erie.

Mr. Clary, from the select committee, to which was referred the petition of sundry inhabitants of the county of Erie, praying for a law authorizing the supervisors of said county to raise money by tax to improve a road leading from Abbot's corners, in the town of Hamburg, to the southerly bounds of the city of Buffalo, REPORTED:

That the petitioners represent, that a road has been laid out from Abbot's corners, in the town of Hamburg, and passing William King's barn, on the Indian Reservation, to the southerly bounds of the city of Buffalo, on Elk-street. That said road has been made (so far as the same is done,) at the expense of the inhabitants interested, and owning lands on said road; and that a full and perfect completion of said road cannot be had without resorting to a tax on the towns interested in the said road. And the petitioners ask for an act authorizing the supervisors of the county of Erie to raise by tax the sum of fifteen hundred dollars in the year 1834, and the sum of six hundred dollars per year for the next ten years thereafter, on the several towns interested therein, for the purpose of improving said road.

Your committee are of the opinion, that inasmuch as the several towns interested ask the privilege of being taxed for the above object, and as it will be left for the supervisors in their discretion to raise the money or not, they can see no objection to passing a law agreeable to the prayer of the petitioners.

They therefore ask leave to introduce a bill.

[Assem. No. 313.]

IN ASSEMBLY,

March 15, 1834.

REPORT

Of the committee on the judiciary, on the memorial
of William W. McLouth and Calvin Osgood.

Mr. Phelps, from the committee on the judiciary, to whom was referred the memorial of Wm. W. McLouth and Calvin Osgood, late trustees of school district No. eleven, in the town of Farmington, in the county of Ontario,

REPORTED:

That the memorialists represent, that they, with one Epaphras Lapham, who has removed subsequently from the said town, presented a petition to the Legislature in 1832, for an act granting them relief for costs which they had been put to in defending certain lawsuits, in their official capacity, as such trustees; that thereupon, the Legislature passed an act authorizing a certain sum to be raised upon a vote to be expressed in *special town meeting*, which act they were advised could not be applied to their relief; upon which they petitioned the Legislature of 1833, to amend said act, so as to make it effectual, by requiring of the trustees of that district, to raise the said sum and pay the same over to the said memorialists. Whereupon, said Legislature did pass a law, directing the trustees of said district to raise by tax, upon the taxable inhabitants of said district, and pay over the same to the said memorialists, the said sum, provided the same should be authorized by the vote of a majority of the inhabitants of the said district, at an annual or special meeting, to be convened for that purpose; which last act they are advised cannot be applied to their relief, short of a special act of the Legislature, to enumerate the inhabitants of said district, and therefore ask of the present Legislature,

[Assem. No. 314.]

to amend said act, so that the same may be effectual, by directing the trustees of the said school district, to raise the said sum authorized to be raised for their relief, together with the interest from the 1st of Jan'y, 1832, before when they had been taxed with it, and that the same be paid over to them. Or, in case the trustees of said district neglect to do it, that they be made personally liable to pay the same to said petitioners, in any court having cognizance thereof. And they represent, that several farms in the said district are owned by non-residents, whose tenants are pledged, as they believe, to their landlords, to oppose raising the sum they are applying for.

To this memorial there is a remonstrance, signed by many of the inhabitants of said district, who state they are informed of the application on the part of the memorialists, that under the act now sought to be amended, the sum of money mentioned therein was attempted to be raised, for the purpose therein specified, at a meeting of the inhabitants of said district, called to act on the subject; that at such meeting, there was almost an unanimous vote against raising such sum of money; that there is now an overwhelming majority of the taxable inhabitants in said district opposed to the levying of such tax; and they protest against the prayer of the memorialists being granted, as they conceive the same contrary to the spirit of our institutions, and against the wishes of a majority of the taxable inhabitants of said district. To which remonstrance, the memorialist say they have heard of the same, but are ignorant of its contents, except they say, "they," meaning their opponents, "do not wish to pay a part, and that they did attempt to vote down our bill, under the act of 1833," their memorial otherwise shewing their loss of time, fatigue, (their suits ending from ten to three o'clock at night,) individual expenses in carrying on the suit brought against them, for which they make no claim, the number of counsel employed, and sums paid such counsel for their services, the number of suits brought, before whom, the distance travelled, the expense and means required to procure witnesses, the suits they attended in the course of the litigation, being twenty in number, as they allege, occupying them nine months of the most disagreeable part of the year, away from home through mud, storms of rain and snow, for which they only ask for what they have paid for court counsel and witnesses' fees; not being half of their expenses, if they count their time at a very low rate. In addition, they refer to certain certificates appended to said memorial, shewing the

number of suits brought against them, the cause why some were reversed, and also to certain opinions of the Superintendent of Common Schools, accompanying said additional memorial, which is thus briefly stated.

In connection with the facts involved in this matter, as they may be seen by referring to No. 103 of the Assembly documents, for the year 1832, and the memorials and remonstrance now presented, the Legislature will perceive that an unyielding and uncompromising spirit of litigation has been waged in this school district, between these memorialists, as former trustees, and the inhabitants thereof, and that the same unfriendly feeling still continues, all growing out of a tax of \$100, legally voted, as appears by the decision of the Superintendent of Common Schools, by the inhabitants of said district, or by a majority of the voters present at the meeting in which it was voted, but to the collection of which many of the inhabitants were opposed, and the trustees equally determined to put in execution; which gave rise to a state of hostile and litigious feeling, unfortunate in itself and greatly to be deplored in any neighborhood. And while your committee would not at any time countenance or support such a state of things, they are far from determining, that public officers, acting in the discreet discharge of their official duties, should go unprotected, and be put to expense in their individual capacity, for simply discharging the duties the law has cast upon them, oftentimes to such officers as irksome and unpleasant, as it may be to those upon whom they are compelled to enforce them. And as in this matter, the trustees were merely carrying into effect a legal vote of the inhabitants of their district, it would seem to be no more than right that the trustees should be reimbursed the sum they have expended. As this subject has been the source of much litigation and excitement, we have given to it a full and careful examination; have referred to the several laws in relation thereto; have noticed the objections to them, which, with a slight amendment might be obviated, if it was probable the district would act, which they are constrained to believe, from the remonstrance, they would not. In consequence of which, to obviate all difficulty, to put an end to this subject, and also to attain the object of the memorialists, and to prevent the same further occupying the time of the Legislature, your committee have concluded that it is expedient to grant the prayer of the petitioners, and ask leave to introduce a bill for that purpose:

No. 316.

IN ASSEMBLY,

March 17, 1834.

REPORT

Of the select committee on the petition of the inhabitants of the town of Florence, in the county of Oneida.

Mr. I. S. Parker, from the select committee to whom was referred a petition of the inhabitants of the town of Florence, in the county of Oneida,

REPORTED:

That the petitioners set forth in their said petition, that they are frequently in the habit of having their property destroyed by bears, and wishing to secure their property against this enemy of their prosperity, they did, at their annual town-meeting, pass a vote *unanimously*, to petition the Legislature to pass a law authorising said town to pay a bounty for their destruction. Your committee have had the same under consideration, and have come to the conclusion that the prayer of the petitioners ought to be granted: and have instructed their chairman to ask leave to introduce a bill.

IN ASSEMBLY,

February 17, 1834.

REPORT

Of the select committee on the petition for a law to prevent fishing in certain ponds in the county of Schoharie.

Mr. A. J. Parker. from the select committee to whom was referred the petition of sundry inhabitants of the county of Schoharie, praying for the passing of a law to prevent fishing in certain ponds in said county,

REPORTED:

That the petitioners represent that they are the proprietors of certain waters in the town of Blenheim in said county, known as Chamberlin's, Brewster's and Monfort's ponds; and that they have been at considerable expense in introducing and propagating certain kinds of fish in the waters of said ponds; and they pray that a law may be passed, to protect and preserve the said fish, under such penalties as the Legislature shall deem proper to impose.

By part first, chapter twentieth, title eleventh of the Revised Statutes, (see 1 Rev. Stat. 688,) jurisdiction is given to the several courts of common pleas of the different counties in the State, to regulate the fishing in any of the streams, ponds or lakes in their respective counties, and to make such order and rule to prevent the destruction of fish therein as they shall deem proper, and to prescribe penalties for the violation of any such order or rule, not exceeding twenty-five dollars for each offence.

Your committee are of opinion that it was the intention of the Legislature, in passing the said act, that the consideration of questions of this description should be confined exclusively to the courts

of common pleas in the different counties; and they deem it inexpedient for the Legislature to interfere by passing acts for particular cases, unless some good reason is shewn by the petitioners for such legislative interference.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted, and that leave be given to withdraw their petition.

IN ASSEMBLY,

March 19, 1834.

REPORT

**Of the select committee on the memorial of Giles
H. Holden, and others.**

Mr. Haight, from the select committee to which was referred the memorial of Giles H. Holden and others, who composed the board of health in the town of Greece, in 1832,

REPORTED:

That the board of health for the town of Greece, were, during the prevalence of the cholera, charged with highly important and onerous duties, arising from the locality of said town. The town of Greece is on the south shore of Lake Ontario, and the harbor at the mouth of Genesee river, was, during the said period, under the charge of the board of health of the said town. In addition to the expenses incurred by the charge of the said harbor, the town of Greece is also intersected by the Erie canal. The amount necessarily expended was, therefore, large, and your committee think it possible that more money may have been expended than necessary, but there is no reason to doubt but that all expenditures were made in good faith and with the best intentions.

The amount of expenditures and charges, was \$817.89. The supervisors allowed \$613.89. Of the amount rejected, \$131 was money actually expended, the residue was for services of the said board. The supervisors declined to hear evidence and examine the matter on proofs. Your committee are of opinion, that the said sum of \$131 should be paid by the county of Monroe, and they have directed their chairman to bring in a bill accordingly.

IN ASSEMBLY,

March 20, 1834.

REPORT

Of the select committee, to whom was referred the report and resolutions of the Legislature of Georgia.

Mr. McKeon, from the select committee, to whom was referred the report and resolutions by the Legislature of the State of Georgia, on the subject of the public lands of the United States,

REPORTED:

That the question of the public domain of the United States has always been one of the most momentous presented to the consideration of the American people. An immense superficies of country, the common property of the members of this extended confederacy, cannot but be viewed as a source of much anxiety by every citizen. From the earliest period of our history to the present time, the waste lands have been the means of exciting discontent and contention; and as we are rapidly approaching an interesting crisis, at which the Union will be absolved from indebtedness, the proper disposition of a vast territory becomes a topic worthy of the most profound deliberation.

The formation of the present Constitution was for a long period retarded by the agitation of this question; but by sacrifices of several States, alike honorable to the patriotism and generosity of their citizens, as beneficial in their consequences, every obstacle was removed. A transfer of the public lands belonging to each State, was made to the United States, with a view of restoring harmony and creating a fund for defraying the expenses of the war.

[Assem. No. 320.]

To the State of New-York belongs the credit of having first proffered to the United States, for the welfare of the Union, her claims to this rich domain. The policy she then pursued of considering herself but a portion of this great republic, and bound to promote the happiness and prosperity of her sister States, she has steadfastly maintained, believing the Union to be the surest safeguard of that liberty which is the fruit of our revolutionary struggle.

In the year 1780, this State tendered to the United States a cession of her claims to the waste lands. The following is the preamble of the act passed at that time:

"Whereas, nothing under Divine Providence, can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas, the articles of confederation and perpetual union, recommended by the Honorable Congress of the United States of America, have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, and the people of the State of New-York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing as far as it depends upon them, the aforementioned impediments to its final accomplishment," &c.

Thus by this State was the foundation laid on which now rests with security, the Constitution of the United States. In this course she was followed by several States, and the cessions bear date as follows:

New-York, March 1,	1781
Virginia, March 1,	1784
Massachusetts, April 19,	1785
Connecticut, September 13,	1786
South Carolina, August 9,	1787
North Carolina, February 25,	1790
Georgia, April 24,	1802

Virginia claimed all the territory north of the Ohio, and west of the State of Pennsylvania, extending northwesterly to the northerly boundary of the United States, and westerly to the Mississippi. Massachusetts and Connecticut claimed all embraced within the extent of their respective charters, and this State had an indeterminate claim to the country in question. These tracts were claimed by virtue of the several royal charters to the different colonies, the boundaries of which were run from sea to sea.

In making their cessions several of the States reserved certain portions, which have been appropriated to particular purposes. Amongst the rest, the well known Connecticut reserve, which is the foundation of her school fund, formed a portion of the public lands. The United States also have acquired title to lands by their treaties with Great Britain, Spain and France, and with the Indian tribes, for the purpose of extinguishing their titles. From the lands thus acquired several States have been organized, and immense tracts still remain as territories belonging to the United States.

The main condition on which the State of New-York made the cession referred to, was, that the lands so ceded "should be and inure for the use and benefit of such of the United States as should become members of the federal alliance of the said States, and for no other use or purpose whatsoever." The several States by which cessions were made adopted similar conditions; and the result of an investigation of this subject is, that the waste lands of the United States are common property, and must be disposed with a view of promoting the peace and prosperity of the whole Union. Any project directly subversive of this principle can never be adopted by the people of this State.

The bill introduced into the Senate of the United States at the last session of Congress, and which, after having been adopted by both Houses of the National Legislature, was returned by the President with his objections, appears to your committee to be partial in its operation, and to contain principles entirely opposite to the terms on which the public lands were ceded. The committee of the Legislature of the State of Georgia refer to this bill, and have with truth observed, that it "does not provide for the distribution of the public lands in that equitable manner contemplated by the States in their several deeds of cession."

While the magnanimity of the States to whom these immense domains belonged, has placed the disposal of them in the power of the General Government, justice demands that the compacts entered into between the several States and the United States should be sacredly observed. Any system of distribution similar to that adopted in the bill referred to, violating these compacts and partial in its results, ought never to be sanctioned. The authority in the Constitution of the United States, (Article 4th, section 3d,) which empowered Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States expressly provided, that nothing in the said Constitution should be so construed as to prejudice any claims of the United States or of any particular State, and must be regulated by the terms of cession under which the title to these lands was acquired.

As yet they have not been a source of revenue. The expense of the original purchases, and the amounts paid for the extinguishment of Indian titles, for surveys and management, have been greater than the receipts from the sales. The bill alluded to considers them as a great source of wealth, and proposes to make a distribution of the revenue to be derived therefrom.

On examining the bill it will be discovered that it makes preference in favor of certain States, of twelve and an half per cent on the nett amount of sales of public lands within their limits, and then suggests an equal division of the residue of the revenue amongst all the members of the Union, excluding at the same time from the preference, the States (and amongst the rest New-York) which have made the greatest sacrifices to the General Government, by the surrender of their claims to a portion of these same lands, and created, in a great measure, the fund thus proposed to be divided.

The committee of the Georgia Legislature justly state, and in this view your committee unite, that "the government of the United States have already acted upon a liberal policy towards the new States in admitting them into the Union upon an equality with the old States, as speedily as their numerical population would warrant their admission; there can therefore be no good reason why those new States should be entitled to any advantages in the distribution of the proceeds of the public lands, over the original States, by whom these lands were purchased or ceded."

This State, while willing to yield up her particular interests for the purpose of advancing the welfare of the whole country, (and she appeals to the past for the evidence of her devotion to that cause,) can not give her assent to a measure proposing a violation of equity; or to a disposition as unjust as it is partial; and calculated to promote discord amongst the several members of the Union.

This bill also involves the doctrines refuted with so great success and such signal ability, by the present chief magistrate of the United States, in his message returning, with his objections, the bill authorising a subscription to the Maysville and Lexington turnpike road company, in 1830; and the committee are fully persuaded that the principles of that document have been approved by a large majority of the people of this State. The bill provides for the appropriation, indirectly, of public money for local purposes. Any policy tending to make the general government the point towards which revenue may be directed, with a view of dispensing it to the States, for the purpose of defraying the expenses of their governments and the charges of the various local projects which are daily advanced throughout this vast confederacy, can not be viewed but as an indirect mode of concentrating power in the general government, creating the means of corruption, and endangering the liberties of the people. The State of New-York, although she might be entitled to receive a portion of the public bounty from the proposed distribution, would indignantly refuse her aid to any project which could not be sustained without a sacrifice of the terms on which these lands were ceded, and of the great constitutional principles which she has always endeavored to maintain. In the exercise of the conservative power of the executive veto the people of this State have heretofore supported the present chief magistrate of the Union; and not only the manner but the occasions on which it has been called into action have been responded to and applauded by a vast majority of the American people. Fully confident that the objections urged by the President of the United States, in his message of December 4, 1833, reflect the true spirit of the cardinal principles of our government, powerfully and perspicuously enforced, the committee recommend the adoption of the following resolutions;

Resolved, (if the Senate concur,) That we approve of the message of President of the United States, dated December 4, 1833,

returning with his objections, to the Senate, the bill entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and to grant land to certain States."

Resolved, (if the Senate concur,) That a copy of the above resolution be transmitted by the Secretary of State to each of our Senators and Representatives in Congress.

IN ASSEMBLY,

March 19, 1834.

REPORT

**Of the select committee on the petition of Jacob
Murphey and Peter Murphey.**

Mr. Orr, from the select committee to whom was referred the petition of Jacob Murphey and Peter Murphey, residents of Fulton in the county of Schoharie, praying for a law to be passed at the present Legislature, authorising them to repair a mill-dam across the Schoharie creek, in said town of Fulton,

REPORTED:

That they have had the same under consideration: that the petitioners represent, by a petition signed by a number of the most respectable citizens residing in said town of Fulton and its vicinity, that the petitioners have expended the sum of about six thousand dollars, in erecting a grist-mill in the town of Fulton, and a dam across the Schoharie creek, for the purpose of conveying water to said mill: which said dam has been erected for about nine years, and is now out of repair, having settled about one foot in the middle. The petitioners ask for a law to be passed authorising them to repair said dam; and raising the same in the middle, so as to make it on a water level with both ends of said dam, as it now stands; and so to continue to use the said dam, for the term of thirty years. Your committee, after a careful examination of the facts set forth by the petitioners, have come to the conclusion that the prayer of the petitioners ought to be granted; and ask leave to introduce a bill to that effect.

IN ASSEMBLY,

March 19, 1834.

AMENDED REPORT

**Of Wm. P. Lansing, an inspector of Lumber in the
town of Watervliet, county of Albany.**

To the Honorable the Legislature of the State of New-York.

Measured and inspected in the county of Albany in the year
1833, the following lots of lumber:

11,500	feet first quality of pine,	price	\$30	per thousand.
14,575	" second quality of pine,	"	22	"
150,450	" third quality of pine,	"	16	"
560,775	" fourth quality of pine,	"	11	"
45,785	cubic feet pine and hemlock timber, price from 10 to 12 cents per foot.			

Fees for inspecting and measuring the above, \$241 53

W. P. LANSING,
Inspector.

IN ASSEMBLY,

March 21, 1834.

REPORT

**Of the Trustees of the Capitol, in relation to the
State-Hall.**

- The Trustees of the Capitol, in relation to the duties enjoined upon them concerning the State-Hall, respectfully submit the following

REPORT:

At the last session of the Legislature the committee on finance of the Senate, in pursuance of a resolution of that House, after a personal examination of the State-Hall, made a report, which will be found among the Senate Documents of 1833, No. 115. The committee, among other things, say, that there was not sufficient room for the public offices: that the building was not sufficiently secure from fire: and that the wing erected in 1826, in consequence of a too limited appropriation, was too small, and not built in a substantial manner. They recommended that the wing should be taken down, and that another should be erected of larger dimensions, to be two stories high, and both fire proof: and they presented a bill for that purpose.

Immediately afterwards, and on the 29th day of April, 1833, an act was passed, by which the trustees were authorised "to repair the public buildings" "in which the public offices and records are kept, so as to render them commodious and fire proof; and if, in their opinion, it would comport with the interest of the public, to erect a new building in the place of the wing, they are authorised to do so; but said building shall be fire proof, and built with due

regard to convenience, permanency and safety." By the second section the Treasurer was directed to pay, on the warrant of the Comptroller, "not exceeding twenty thousand dollars," to carry the act into effect. Laws, 1833, p. 406.

On the day following the final passage of the act above mentioned, being the last day of the session, a bill amending that act was introduced, and by unanimous consent passed into a law, declaring that the Trustees, "if in their judgment the public interest will be thereby promoted, may, in their discretion, sell and convey the State-Hall, and the lands belonging to the same; and with the proceeds of the sale and the monies already appropriated, by the act hereby amended, purchase a site and erect a new State-Hall, with all suitable public offices," Laws, 1833, p. 512.

The last mentioned act was passed, as is apparent from its provisions, under the supposition that the public interest might be best promoted by a sale of the present buildings, and the purchase of another site, and the erection of a new building suited to the present wants of the State and the safety of the public records.

As the whole matter was referred to the discretion of the Trustees, they directed their attention, in the first instance, to the present buildings. The main building was erected in 1798, and occupies 81 feet front on State-street, and is 37½ feet deep. It is a substantial edifice, with three spacious rooms on each of the two floors. Two of the rooms on the first floor are occupied by the Secretary of State, and one of them is fire proof. The third room is occupied by the Comptroller, and although not strictly fire proof, is reasonably safe against fire. The other rooms occupied by the Comptroller are in the wing on Lodge-street, erected in 1826. On the second floor of the main building, one room is occupied by the Surveyor-General, one by the clerk of the supreme court, and the other belongs to the canal department of the Comptroller's office. This room is also the place for the meetings of the Canal Board, and the Commissioners of the Canal Fund. None of the rooms on the second floor are fire proof.

The wing on Lodge-street is not only too small, but the papers deposited in it, as was well remarked by the committee on finance, "are exposed to both fire and water."

The lot on which the buildings are situated is of sufficient size to admit a larger building on Lodge-street; but there are several difficulties in the way of pulling down and rebuilding this wing.

The Comptroller would be deprived, for about one year, of two of the rooms which are now occupied, and are necessary for the business of his office: and there would be no rooms for the offices of the Treasurer, Attorney-General, Adjutant-General and Register in Chancery.

The main building, though well arranged and adapted to the wants of the State at the time it was erected, was not built upon a plan which contemplated its subsequent enlargement. A wing on Lodge-street of sufficient depth, would close one of the windows in the office of the Secretary of State, and materially injure that room. On account of the descent of the ground towards the south the first floor of the main building, in the rear, is too high for the first floor of a building on Lodge-street, and yet too low for a story under it, without running into the ground. This difficulty in the present wing, renders some of the rooms too damp for the safe keeping of the public books and papers. In addition to these considerations there is no hall through the main building, or other means of communicating with the offices in the rear, without passing through the Comptroller's office.

The considerations which have been mentioned, connected with the fact that the main building is neither so secure against fire, nor convenient in its arrangements, as the public interests require, induced the Trustees to believe that they would best exercise the discretion vested in them by the purchase of a site, and the erection of a new building. Without having procured any particular plans, they have supposed that the building, having a just regard to the present and prospective wants of the State, should be about 70 feet by 100, two stories high, with a hall through the centre on each floor. A lot for the erection of such a building, with the proper appendages, if situated on two streets, should be 90 or 100 feet, by about 150.

There can be few better sites than that of the present building; but the lot is not of sufficient width for lighting the rooms on the west side, and there would be great difficulty in procuring the necessary rooms for the public offices during the period which must necessarily be occupied in constructing the new building.

In looking for another position, the attention of the Trustees was soon directed to the lots north of the City Hall, fronting on the city park, and bounded north and south by Steuben and Pine-streets. This position combines all the advantages of light and air, and would be alike convenient for the members of the Legislature, and all others who have occasion to transact business at the public offices.

In negotiating for this property, the Trustees had to encounter several difficulties. The front lots are owned by a single individual; but sufficient depth cannot be obtained without including lots owned by other individuals, and the Lutheran church; and some of these lots are in the possession of third persons under long leases from the church. This made it necessary to consult so many persons, that the Trustees have but recently ascertained the terms upon which the whole property can be procured.

The front on the city park, (or Eagle-street), of the property now offered to the Trustees, is about 190 feet; the depth on Pine-street is 128 feet, and on Steuben-street, 121 feet. A part of this property, 28 feet front on Steuben-street, and 70 feet deep, will be subject to a lease for a term which will continue about ten years, at an annual rent of \$40. A diagram of the lots is herewith submitted. This property can be purchased for about the sum of \$31,000. There will be more ground than is required for a State Hall: And should the purchase be made, two building lots could be sold on the north, if the Legislature should not deem it expedient to retain them for some other purpose.

It may be proper to mention that Peter Smith, Esquire, in the course of the last season, purchased the front lot, being 68 feet deep on Pine, and 55½ feet deep on Steuben-street, for the sum of \$18,000. This purchase was made as a good investment, and with reference to an advance in the market value of the lot.

On application to Judge Smith, he declined selling without a reasonable profit; but when he was informed of the purpose for which it was wanted, he readily agreed that the State might take the contract off his hands without any advance.

It is understood that the lot and buildings now occupied by the public offices, will sell for about \$25,000. This, with the appropriation made at the last session, amounts to \$45,000; but is not a

sufficient sum to justify the Trustees in purchasing a site, and commencing a new building, without further direction from the Legislature. It is proper also to remark that the present building must be retained until a new one can be completed, and the price could not be expected before the State shall be prepared to deliver the possession of the property.

The Trustees have also been informed that another site may be obtained on the corner of State-street continued, and Capitol-street, south of the Capitol park. The lot is 100 feet front on State-street continued, and 150 feet deep. This property can be purchased for about \$17,000.

No site has been offered, save the two already mentioned.

As the Trustees have not felt that they should be justified in proceeding further without the direction of the Legislature, they have not procured any particular plan or estimate of the expense of the proposed building.

GREENE C. BRONSON,
A. C. FLAGG,
JOHN A. DIX,
WILLIAM BAKER,
Trustees of the Capitol.

Albany, March 21, 1834.

IN ASSEMBLY,

March 22, 1834.

LIST OF BANK BILLS,

And of bills to increase the capitals of existing banks,
reported in the Senate and Assembly.

<i>Names of Banks.</i>	<i>Location.</i>	<i>Capital.</i>
Oneida County Bank,	Utica,	\$400,000
Commercial Bank of Buffalo,...	Buffalo,	400,000
Sackett's Harbor Bank,	Sackett's Harbor, ..	150,000
Delaware County Bank,	Delhi,	100,000
Pearl-Street Bank,	New-York,	1,000,000
Clinton County Bank,	Plattsburgh,	100,000
Bank of New-Berlin,	New-Berlin,	100,000
Ulster Village Bank,	Ulster,	200,000
Bank of Owego,	Owego,	200,000
Commercial Bank of the City of New-York,	New-York,	500,000
Cortland County Bank,	Cortlandville,	200,000
Bank of Orleans,	Albion,	150,000
City Bank,	Albany,	500,000
La Fayette Bank,	New-York,	500,000
Fireman's Bank,	do	500,000
Bank of Kinderhook,	Kinderhook,	200,000
Highland Bank,	Newburgh,	200,000
Farmers' & Manufacturers' B'k,	Poughkeepsie, ...	300,000
Kingston Bank,	Kingston,	200,000
INCREASE OF CAPITAL.		
Bank of Genesee,	Batavia,	100,000
Saratoga County Bank,	Waterford,	100,000
Lockport Bank,	Lockport,	100,000
Bank of Ogdensburgh,	Ogdensburgh,	100,000
Phenix Bank,	New-York,	500,000
Greenwich Bank,	do	300,000
		\$7,100,000

IN ASSEMBLY,
March 15, 1834.

REPORT

Of the select committee on the petition of the Supervisors of Dutchess county.

Mr. Anthony, from the select committee to which was referred the petition of the supervisors of Dutchess county, for the passage of a law authorizing them to sell or lease the present court-house and to erect a new one, and also the remonstrances against the same, and praying a law may be passed authorising repairs to the present court-house,

REPORTED:

That they have examined the statements referred to them, and find them to agree in representing the court-house in a decayed condition, requiring extensive repairs. It appears also, that as the court-room is now situated, the courts are sometimes interrupted in their business by the rattling of carriages over the pavements of the adjacent streets; these inconveniences appear to have led to the investigation made by the direction of the supervisors at their last meeting, which resulted in the application for a law to enable them to sell or lease the present building and to erect another.

There is a difference of opinion as to the amount required for making the necessary repairs, some estimating them at 7 or 8,000 dollars, and others at less than half that sum. From the representations before the committee, they are induced to believe that five thousand dollars will be sufficient, and from their personal knowledge they believe the present location more central and convenient than any which have been proposed. They also think that the interruptions which the courts experience may be obviated by removing the court-room to a more central part of the building,

[Assem. No. 325.]

further from the main street, and if this should not be effectual, by McAdamizing the streets in the vicinity of the court-house.

It appears, also, that the lot of ground on which the court-house stands, was given to the county for that purpose only; and although by a technical evasion, it might be converted to a different use, yet your committee think it would be disreputable for so large and wealthy a county to retain possession of property contrary to the intentions of the donor.

The committee have therefore come to the conclusion that the public convenience will be best promoted by repairing the present court-house, and ask leave to bring in a bill.

IN ASSEMBLY,

March 24, 1834.

Message from the Governor.

FELLOW-CITIZENS OF THE SENATE AND ASSEMBLY:

Since my communication to the Legislature at the commencement of the present session, the unusual derangement of the business operations of the community has been such, as in my judgment to render it the duty of the Executive to call your attention to the subject.

It was not then perceived that the order of the Treasury Department, directing the accruing receipts of the public moneys to be deposited in the local banks instead of the Bank of the United States, could essentially interrupt the business transactions of the community; nor is it now supposed that any necessary connection exists between that act, and the present state of commercial embarrassment.

Although it was known that the Bank of the United States had commenced a rapid curtailment of its debt anterior to the action of the government upon the deposits, and had actually reduced it more than four millions of dollars during the sixty days previous to the first of October, when the order of the Secretary took effect; yet as the government had directed the change to be made in a manner best calculated to avoid any pressure upon the bank or injury to the community, it was not reasonable to suppose that the occasion would have been seized for the purpose of giving an unnecessary shock to business, much less of exciting a causeless panic. Certain it is, however, that since the change referred to, such has been the attitude assumed by that institution in regard to the local banks, that the latter are unable to afford to the community those assurances of future accommodations, which are so essentially necessary to inspire confidence among business men in entering into new engagements.

The partisans of that institution, and certain presses devoted to its recharter, by systematic and persevering efforts in disseminating distrust of the credit of our monied institutions, particularly

those of this State, of the credit of individuals, of the resources of the country, and its ability to meet the crisis; and by endeavoring to fasten public opinion upon this act of the government as the cause of all the depression which has been experienced, as well as that which is daily predicted and held up to the public view in a distorted and exaggerated form; have also produced an excitement among the business community, calculated essentially to aggravate the pressure, and prolong its existence.

Looking at the immense wealth and resources of the country—presenting externally, as indicated by the course of exchange, an appearance of prosperity unknown for many years, and internally, until within a short period, the same favorable appearance, as indicated by abundant crops, fair prices, active mercantile and manufacturing operations; it appears to be impossible that the existing state of things should have sprung from a cause so inadequate as the mere substitution of one place for another as the depository of the accruing receipts by the government.

Although the removal of the deposits, effected as it was prospectively, and operating upon the funds in hand, not withdrawing the whole suddenly, but gradually, as the wants of the government required, furnished of itself no sufficient cause for the results which in point of time have followed it; yet it is said that its operation has been to derange the currency, to destroy confidence, and thus to produce the present embarrassment.

It is undoubtedly true that much of the pressure upon the money market has been occasioned by the destruction of confidence; but it is not easy to perceive how that is to be charged as the necessary consequence of the action of the government. It is the consequence of the attitude assumed by the bank of the United States towards other banks—an attitude not necessary, although its advocates attempt to justify it, either as a measure of retaliation upon the government, or for the purpose of compelling those institutions to surrender or to refuse to accept the public deposits.

Nor is it easy to perceive how the action of government should of necessity derange the currency or the commercial operations of the country, through the medium of domestic exchanges. The ability of the bank to conduct all ordinary business, has not been essentially impaired, and its amount of discounted bills of exchange is at this moment as large or about as large as it ever has been. Whatever inconveniences may have resulted from its refusal latterly to furnish drafts, at sight between its different offices at the

usual rates, (and these inconveniences undoubtedly have been great,) would seem, therefore, to be of its own creation, or the result of that position in regard to the other banks which it has chosen to assume.

It is believed that the principal causes of the present embarrassment have no essential connection with the removal of the deposits.

In December, 1830, the Bank of the United States commenced a rapid increase of its loans and circulation, and continued augmenting them until May, 1832, having within that period added about twenty-eight millions of dollars to its accommodations to the public, and over four millions to its notes in circulation. The necessary consequence of such a large and sudden increase of facilities to business men, was to encourage a corresponding liberality on the part of the local banks, overaction in trade, and to stimulate to excess the industry and enterprise of the country. At all events, since that period, foreign commercial operations, domestic trade and manufactures, speculations in stocks, lands and produce, have been carried on to an extent and upon a scale before entirely unknown.

The policy of contraction on the part of the Bank, which immediately followed this unexampled expansion, had scarcely been commenced when the tariff law of July, 1832, went into effect, the operation of which, with its subsequent modification, was well calculated to develop the injurious consequences of the overtrading which had preceded.

Under the former law, duties to the amount of about fifteen millions annually accrued upon imports at the port of New-York, the payment of which was secured by bonds payable at different periods, some as long as eighteen months. As the merchandize was generally sold by the importer, soon after the execution of his bond for the duties, it is obvious that the credit afforded by the government, was to him equivalent to so much capital until the time of payment should arrive. Before this time, a fresh importation enabled him to create a new credit, and thus a very large amount of capital was constantly in use among those engaged in commercial pursuits.

The law of July, 1832, considerably reduced the amount of duties, while that of 1833, operated still further to diminish the capital of the importer thus derived from government credits, by admitting many new articles to the free list, by shortening the

bonds in some cases, and by substituting cash payments on many articles subject to duty.

This law took effect on the fourth of March, 1833, and during the past year the bonds of the preceding year have been falling due, while the shortened bonds and cash duties have created an additional demand for money, thus casting upon the importer the burthen of repaying the capital formerly loaned to him by the government, and also of paying the cash duties required upon his recent importations. It has been estimated that the effect of this law has been equivalent to the withdrawal from commercial investments of from twelve to thirteen millions of capital.

The depressed rate of foreign exchange also, although an indication favorable to the general condition of the country, has, it is understood, prevented the drawing of considerable sums of money from Europe, the proceeds of produce as well as of stocks sold abroad.

These causes, together with the rapid curtailment of its debt by the United States Bank, between the first days of August and December, amounting to nearly ten millions of dollars, and all operating upon a state of trade unusually and extravagantly extended, are supposed to be sufficient to account for most of the distress hitherto experienced.

The severity of the pressure in New-York, has undoubtedly been very much mitigated, by placing the public deposits in the local banks, which have thereby been enabled to discount, and have actually discounted upwards of four millions more than they otherwise could have done.

And as the charter was soon to expire, and the Bank had actually commenced its curtailments sometime previous to the action of the government, that action would seem to have been indispensably necessary for the protection of the public, so far as the funds of the government would afford the means. This measure, however, which as we have seen, involved no necessary destruction of individual confidence or credit, no necessary derangement of ordinary commercial operations, much less any necessity for the panic which has followed, has furnished to the Bank the pretext for placing itself in a new and menacing attitude, and to its partizans the occasion of wantonly sporting with the fears of the timid, the standing of the weak, the stability of the currency, and the credit of our monied institutions.

This Corporation, brought into existence for the purpose of subserving the general good, (if for any justifiable purpose,) seems to be bending the whole of its prodigious energies towards compelling the people, by force of pecuniary suffering, to acknowledge the necessity of its recharter.

Our constituents have distinctly expressed their unbiassed judgment upon the question of recharter; and I cannot doubt that they possess sufficient patriotism to meet any crisis, which the controversy may produce, and that in the maintenance of principles of vital importance to themselves and to posterity, they will be ready to endure any pecuniary privation, rather than to submit to the dictation of a great monied power.

From recent debates in the National Legislature; from the tone of the presses which advocate the cause of the Bank; from the language of public meetings; from the organizations of party; and from other indications too plain to be mistaken, the efforts on the part of the Bank seem to be directed especially against the monied institutions and the business relations of the State of New-York. Under such circumstances, I deem it the imperative duty of the State, to put forth its energies to aid these institutions in the struggle, and to protect its citizens from oppression. Connected as these institutions are, with the industry and prosperity of the State, all classes of our constituents, whether agricultural, mercantile or manufacturing, are equally interested in their welfare.

I am furnished by the Bank Commissioners, with a statement of the condition of the banks subject to their supervision on the fourth of March instant, by which it appears that their circulation had been diminished since the first day of January last, more than three millions of dollars; and that the country institutions, or those located out of the cities of New-York and Albany, while they had reduced their loans and discounts only about \$600,000, had reduced their circulation about two millions of dollars. The entire resources of the country banks on the fourth of March, excluding the bank fund, amounted to \$21,984,000, and their entire liabilities to \$12,462,000. Notwithstanding the redemption, between those dates, of about two millions of their paper, the reduction of their specie was less than \$25,000; and their immediate means of redemption, consisting of specie at home and funds on deposit in Albany and New-York, subject to be drawn at sight, amounted to more than thirty-five per cent. of their whole circulation.

So far, therefore, as the banks themselves are concerned, I entertain not the slightest doubt, either of their present or future ability to meet any crisis that can occur; but under a state of things which may be imagined, a proper regard for their own safety, may put it out of their power to afford those accommodations to the public, which its interests may require.

The Bank of the United States has recently declared its intention to continue its curtailments, but in what ratio we know not. It probably has due to it in this State about seven millions; and what portion of this amount our citizens may be called upon to pay before the next session of the Legislature, cannot now be determined. If this amount shall be called in rapidly, our banks must necessarily strengthen themselves by calling in a portion of their debt; and thus it will be in the power of the Bank of the United States, if it should have the disposition, to occasion serious embarrassment to all classes of the community, unless the Legislature make some suitable provision to guard against such a result.

It has been suggested to me by several intelligent and practical gentlemen from the city of New-York, for whom and for whose opinion I entertain the highest respect, and who, I am sure, were governed by no motives of individual interest in the matter, that the establishment of a large banking institution in that city was called for at the present time. A capital of eight or ten millions was mentioned; and it was proposed that the State should take one half, and pay for it by a State stock, bearing an interest of four or five per cent. redeemable at the expiration of the charter; the balance of stock to be distributed by commissioners to be appointed by the Governor and Senate, or in such other manner as should be thought best; the State to appoint its share of directors; the rate of discount to be fixed at six per cent., and if deemed proper, the surplus profits over six or seven per cent. per annum to be paid into the State treasury; the institution to issue no notes under twenty dollars, and in other respects to be made subject to the general laws of the State, reserving to the Legislature the usual right to modify or repeal the charter.

It was urged that the stock issued by the State might readily be disposed of in Europe for specie, and that such a charter would furnish a sufficient inducement to insure the necessary subscriptions for the residue of the capital; that such an institution would be able to take the debt now due to the United States Bank in this State, whenever it should be called in; to furnish the requisite facilities to the commercial interests of the city of New-York in

the discount and collection of domestic exchange; to acquire a character in Europe which would enable it to sustain mercantile credit in times of revulsion in trade; and, in short, to exercise a healthful influence over all the diversified interests of that great city, and consequently over every branch of industry throughout the State.

Although many of the advantages anticipated from an institution of such a character, might and probably would be realized, there are, nevertheless, objections to this proposition, of serious if not preponderating weight. It is deemed by many to be objectionable in principle for any government to engage in the ordinary pursuits of individual enterprise. Such an institution, possessing ample powers over the currency of the State, which, properly directed, might be productive of salutary effects, might also, by a misdirection of its efforts, be equally capable of producing serious and extensive injury. It might in its administration be subject to the fluctuations of political power, and thereby be in danger of becoming an engine wielded to subserve the interests of a party. It might, by the acquisition of political influence, paralyze the controlling power reserved to the Legislature; it might, for the purpose of acquiring this influence, openly take the field of party politics, and exhibit the disgusting spectacle, with which we are already too familiar, of a large monied corporation arrayed in political opposition to the government of the country.

Unless, therefore, such an institution, or one of a somewhat similar character, should be found indispensably necessary to enable us to counteract a greater evil, I should be unwilling to hazard so dangerous an experiment.

It has occurred to me, that a remedy, as well for the existing evil, as for the inconvenience which may in any event result from the withdrawal of the capital now employed by the Bank in this State, may be provided, by the issue of a State Stock, if necessary, to the amount of four or five millions of dollars, and by increasing the ability of the banks in the city of New-York with loans of this stock, in such manner as would be perfectly safe to the State, and at the same time enable them to extend their accommodations so as to supply the amount of capital to be withdrawn by the Branch in that city. It is due to the city banks to say, that this suggestion does not proceed from them; they have thus far sustained themselves with creditable ability, and feel a perfect confidence in their resources to do so under any emergency that may happen; but the suggestion is intended for the relief of the whole community, by

sustaining the markets for our agricultural and manufacturing productions, and giving activity and vigor to commercial enterprise.

Should this measure be adopted, the necessity will at once be perceived of imposing upon certain persons to be designated by the Legislature, the power and responsibility of carrying it into effect. Ample provision should be made to secure the regular payment of interest, and the ultimate redemption of the stock by the banks to which the loans may be made, so that the State will neither be subject to inconvenience, nor incur any responsibility beyond the loan of its credit to stable and well conducted institutions. It may also be necessary to provide, that during the continuance of the loans to the banks, they shall possess the power of discounting upon them as upon so much additional capital, without allowing them to extend their circulation beyond the limits now prescribed by law. The banks in New-York, from their position, must necessarily meet and sustain the first shock of any pressure upon the money market, and by strengthening them therefore, we aid every branch of industry throughout the State. A depression in the city necessarily affects prices in the country, and operates to the injury of the agricultural, as well as the manufacturing and mercantile interests of the whole State. Should it be deemed advisable, a portion of this stock might be disposed of, and the avails loaned in the different counties of the State through the agency of the county loan officers, as has heretofore been done on several occasions, to the great relief of the community.

It is not doubted that the State, by the loan of its credit in some such manner, may, without incurring any loss or inconvenience, do much to sustain the great interests of the people, if the necessity for it should arise; and I cannot entertain the slightest doubt that the measure would meet with their cordial approbation.

Being perfectly satisfied, that the energies and resources of this State, will enable it to bear up against any temporary depression of business which can be anticipated; that in this desperate struggle by a great monied power to perpetuate its own existence by the force of its pressure upon the community, the patriotism of the people will be found to rise, regardless of mere pecuniary sacrifices; and that it is the duty of the State to stand forth in its strength, and by the use of its credit and the sanction of its name, to shield its institutions and its citizens from harm; I commit the entire subject to your deliberate consideration.

W. L. MARCY.

Albany, March 22, 1834.

IN ASSEMBLY,

March 21, 1834.

REPORT

Of the select committee to which was referred the petition of inhabitants of the town of Glenville, in the county of Schenectady.

Mr. Schermerhorn, from the select committee to which was referred the petition of the inhabitants of the town of Glenville, in the county of Schenectady, asking for the passage of a law authorizing the trustees of said town to receive commutation for certain quit rents due the said town,

REPORTED:

That certain quit rents were originally due the city of Schenectady, when the said town of Glenville constituted the 4th ward of the said city; that since that time the said town has been set off by itself, and some of the quit rents which became the property of the said town were payable in wheat and boards, in very small quantities; some payments being as small as two-tenths of a bushel on one farm.

The petitioners ask for a law authorizing the trustees to commute for the said quit rents, which are payable in wheat and boards; and your committee ask leave to introduce a bill for that purpose.

[Assem. No. 332.]

IN ASSEMBLY,
March 24, 1834.

REPORT

**Of Robert Wiltse, Agent of the Mount-Pleasant
State-Prison, pursuant to a resolution passed 14th
March, instant.**

STATE-PRISON,
Mount-Pleasant, March 21, 1834. }

To the Hon. WILLIAM BAKER,
Speaker of the Assembly.

Pursuant to a resolution passed 14th March, instant, directing the Agent of this prison "to ascertain from the contractors, or their agents, if practicable, the amount of pay received by each person employed as an agent to superintend the work of convicts in the prison; and also the place of residence of each agent, immediately previous to his being employed in the prison, and the time when he became a resident of Sing-Sing: and that he report the information he may receive to this House, without unnecessary delay."

I have the honor herewith to transmit such information as I have received.

I am, Sir, respectfully,
Your obedient servant,

ROBERT WILTSE, *Agent.*

REPORT, &c.

I have called upon such of the agents of the contractors as are now at the prison; such as are absent I have written to their employers, and have obtained the following information:

Isaac Beals, in the employ of Samuel Knower & Co.: place of residence immediately previous to his being employed at the prison was in Boston, Mass.: he commenced here on the 16th of September, 1833: he informs me he has not made a positive bargain as to the amount he is to receive for his services, but expects to get 1,000 dollars per annum.

Amos Hewit, also in the employ of Samuel Knower & Co.: place of residence in Canton, Mass. immediately previous to his being employed at this prison: he commenced here on the 20th of September, 1833: is to receive 400 dollars per annum.

Wm. A. Van Duzer, place of residence in the city of New-York immediately previous to his being employed at this prison: he commenced here on the 20th of December, 1833: is to receive 600 dollars per annum.

Peter P. R. Hayden, is one of the firm of Buck & Co.: place of residence in the village of Auburn, N. Y. immediately previous to his commencing his contract here, on the 6th of December, 1833: he receives a salary of 300 dollars per annum, in addition to his share of the business as one of the four partners. They have but recently commenced here, and what his share of the profits will be it is impossible to say at the present time.

John Newhouse, is now in the employ of Jeremiah Chichester, (and has been for the last fifteen years:) his place of residence was in Kingston, N. Y. immediately previous to his being employed at this prison: commenced here on the 4th May, 1833: receives 600 dollars per annum.

John B. Gregory, in the employ of E. Bloomer: place of residence in the city of New-York immediately previous to his being employed at this prison: commenced here on the 1st of June, 1833: receives 650 dollars per annum.

John V. Green, also in the employ of E. Bloomer: place of residence in the city of New-York immediately previous to his being employed at this prison: commenced here on the 1st May, 1833: receives 500 dollars per annum.

Stephen Clark, in the employ of Jos. Garey: place of residence in Waterford, N. Y., his family now resides there: he is not constantly at the prison; has been here part of the time since May, 1833: receives 600 dollars per annum.

It may be proper to remark that most of the above named persons have but recently commenced their superintendence: their success is yet a matter of some doubt, particularly as to the amount of profits to be realized from their contracts; and the pay the contractor is to give his superintendent depends, in some instances, on the success of their contracts, as the following letter, in reply to one addressed to him, will show.

New-York, March 20, 1834.

MR. ROB. WILTSE,

SIR—Yours of the 17th instant is received. I pay J. B. Gregory 650 dollars per year. John V. Green's wages you may put down at 500 dollars. The amount of his wages depends something on the profit of the men, which can not be ascertained until the end of the year.

I remain yours, respectfully,

ELISHA BLOOMER,

IN ASSEMBLY,

March 25, 1834.

REPORT

Of the select committee on the memorial of inhabitants of the towns of Richmond and Canadice, in the county of Ontario.

Mr. Phelps, from the select committee to whom was referred the memorials of sundry inhabitants of the towns of Richmond and Canadice, in the county of Ontario,

REPORTED:

That the memorialists represent themselves to be inhabitants of said towns; that the town of Canadice is nearly eight miles east and west, by six miles north and south; that on the east side of said town of Canadice lies the Honeoye lake, running about five miles north and south, with a width of nearly half a mile, extending into the towns of Canadice and Richmond. At the head of said lake, in the town of Canadice, lies an impassable swamp, reaching from the head of the lake, south nearly two miles, with a width of about half a mile, through which runs the inlet of the said lake; on the west side of which inlet and lake lies a range of high hills or mountains, nearly parallel with the inlet and lake, extending beyond the south line of the town of Canadice. That on the east side of said lake and inlet is a strip of land, lying in the town of Canadice, six miles long north and south, and in width about one mile and a half. That thus situated, the inhabitants in the town of Canadice, residing on this strip of land, are effectually cut off from all social intercourse with their townsmen residing at the centre of their town, and put to many serious inconveniences, in exercising their privileges and duties as citizens. And in consequence of the inconvenience of the location of that portion of the petitioners residing in the town of Canadice, they ask, that

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those inhabitants residing on the strip of land before described, be detached from the said town of Canadice and annexed to the town of Richmond; when they say they will be better accommodated than they ever can be by remaining connected with the town of Canadice.

From this state of facts, and from the personal knowledge of the country by your committee, it appears to them that the prayer of the memorialists ought to be granted. And as the usual notices required by law to be given have been posted, and the map in such case also required furnished to your committee, they ask leave to introduce a bill, to detach part of the town of Canadice therefrom and annex it to the town of Richmond,

IN ASSEMBLY,

March 22, 1834.

AMENDED REPORT

**Of George Charles, an Inspector of Sole Leather in
the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The amount of sole leather inspected by George Charles in one year, commencing the first of January, 1833, and ending the first of January, 1834.

18,986 sides of sole leather of the value of \$2.50 per side, amounting to \$47,654.86, the first, second, third and bad qualities.

Fees for inspecting at 4 cents per side, \$759 44

Deduct paid labor, 94 93

\$664 51

GEORGE CHARLES.

Reported January 1st, 1834.

IN ASSEMBLY,

March 28, 1834.

REPORT

Of the select committee on Stock-jobbing.

Mr. Hone, from the select committee appointed to inquire into the expediency of passing a law to regulate and license produce brokers and stock and exchange brokers, in the different cities of this State,

REPORTED:

That in performance of the duty assigned to them, they have sought for information upon the subjects referred to them, and now beg leave to present the result of their inquiries.

It appears, that in the city of New-York, there is a number of persons who are engaged in the buying and selling, on commission and on individual account, the stocks of banks and other chartered incorporations, and bills of exchange. They have associated themselves under the name of the Board of Brokers, and are governed, at their meetings, which are held daily, by certain rules and regulations known only to themselves. At these meetings they sit with closed doors, and exclude from a knowledge of their transactions all who are not of their body. A sale is there made, among themselves, to the highest bidder, of the stocks placed upon a certain list, (on which they may, by resolution, refuse to place the stock of any institution obnoxious to them.) Doing their business thus in secret, and speculating, as they do, to an extent which is unwarranted and ought not to be permitted to any agent for another, in the capacity of a broker, they are enabled to mislead and deceive their employers to a fearful and dangerous degree; and they may, and do frequently, by a combination of a few of their number, raise or depress the prices of the different stocks as may best suit their

individual interests. Whenever they may have an order to execute, it cannot possibly be known to their principals, (the details of their proceedings being secret,) at what rate they have effected sales or purchases for them: And the means of deception in regard to their transactions being easy, they may report to the buyer that they have given the highest price, and to the seller that they could obtain only the lowest price; and as the variations in the nominal value of stocks are frequently great in the course of the same day, they pocket the profits arising out of the difference, without fear of detection. Sales and purchases of stocks are constantly made "on time;" that is, they contract to deliver or receive certain amounts of certain stocks, on some distant day, at the rate of premium or discount at which those stocks may stand on the day upon which these contracts were made. This mode of operation gives rise to a spirit of gambling which is carried to an alarming extent, and which is, not unfrequently, attended with most ruinous results. As they almost invariably decline giving the names of their principals, any failure, on the part of these, to fulfil their contracts, causes great loss and distress to innocent persons, and often to the brokers themselves, who being unable to perform the engagements made in behalf of their employers are reduced to bankruptcy and utter ruin, as has been the case in more than one signal instance within the last few weeks.

Your committee, therefore, are of opinion that some means should be taken to remedy the great and palpable evils attendant upon the existing system of buying and selling stocks in the city of New-York. They have not been able to discover that similar abuses are to be found in operations of this description in other cities of this State; nor are they aware of any practices on the part of the produce brokers which require to be prevented by legislative enactments.

Under the circumstances which they have detailed, and with a view to correct and lessen, if not to remove entirely the manifest evils of stock-jobbing, your committee ask leave to bring in a bill for that purpose.

IN ASSEMBLY,

March 24, 1834.

AMENDED REPORT

**Of Jason Rudes, an Inspector of Pot and Pearl
Ashes in the city of Albany.**

To the Honorable the Legislature of the State of New-York.

The undersigned, inspector of pot and pearl ashes in the city of Albany, reports, that from the first day of January, 1833, to the first day of January, 1834, he has inspected as follows, to wit:

824 barrels of pot ashes.

19 " of pearl ashes.

Weight, 245,118 pounds first sort.

45,673 " second sort.

6,134 " third sort.

10,462 " condemned.

7,684 " pearl ashes.

The value of the above article is \$12,602.84. Fees received during the same time, have been \$315.07.

Respectfully submitted.

J. RUDES.

IN ASSEMBLY,

March 27, 1834.

COMMUNICATION

From the Agent of the Auburn State Prison.

STATE PRISON, AUBURN, }
March 18, 1834. }

Hon. B. P. STAATS, Chairman
of the standing committee on State Prisons, &c.

I had the honor of transmitting to the House of Assembly, on the 4th instant, the information required of the superintendent of this prison by a resolution of the House of the 26th ultimo, which information is, doubtless, now before the House and in possession of the members.

Presuming the resolution originated from a desire to put the Legislature in possession of all the facts connected with the system of employing the convicts confined in the State Prisons at mechanical labor, to enable the Legislature to judge of the bearing that system has upon mechanical business out of the Prison, and to apply such corrective as the subject may require, I have conceived it my duty to lay before the committee on State Prisons such facts and information connected with this subject as were not called for by the resolution, but which are equally necessary to understanding it fully, leaving to the committee to make such use of it as they may deem best.

I am confirmed in my purpose from observing the proceedings of the House of the 3d instant, and also of the 6th instant, relative to the employment of the convicts in the State Prison, and the manner of hiring out their labor. I am influenced to make this communication only by a paramount regard for the best interests of our State penitentiary institutions, which I conceive are vitally,

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and without sufficient cause, involved in the questions presented for the consideration of the Legislature.

Towards the mechanics who have appealed for relief, I have none other than the highest regard, being myself a mechanic, and participating in whatever interests and affects them, and shall not impute to them improper motives, however much I may think them mistaken as to the extent of their grievances and their causes.

In the remarks I herewith submit, I do not intend to speak at hazard, but from personal knowledge and observation, and from well attested facts, being conversant with the affairs of the prison from its commencement in 1816; having been employed in its construction, and part of the time as master builder, for the first five years; having been a contractor for about the same length of time, and an officer at different times for about three years; I have witnessed its operations under the old New-York plan, its change from that to solitary confinement, and from that to the present system of associated labor and non-intercourse. Having also been familiar with its operations under the different modes of employing convicts, and seen its advances from one stage of improvement to another, I think I may without vanity assume that I am competent to form an opinion of our present system in all its different branches.

In addition to the information furnished under the resolution of the 26th ult., giving the present terms and conditions of *existing contracts*, allow me to give their history and show their progress to the present time; and also of other branches of business which have been introduced at different times, and failed; with a brief notice of the mode of employing convicts before that of letting their labor by the day was introduced.

The system of contracting or letting their labor by the day or piece was attempted as early as 1823, before which time the labor of nearly all the convicts was required in the construction of the prison building, but with very partial success. Mechanics were loth to risk the chances of having their materials destroyed and wasted, or poorly made up, and the hazards of an experiment yet untried; consequently most of the spare convicts were employed in making such articles as citizens required, for family use principally, they furnishing the materials. The work was confined to tailoring, coopering, shoe-making and blacksmithing, and some trifling job work.

This mode of employing the convicts, was found to be very inconvenient, and almost impracticable, from the fact, that it brought the convict too much in contact with the citizen, to maintain the proper discipline. It was far from being profitable to the State; created a great number of small accounts, difficult to adjust and collect, and was not capable of being sufficiently extended, and was wholly too precarious to be relied upon as a source of support of the prison. Hence great inducements were offered to mechanics and others, to employ the convicts in numbers, and at a given price per day or piece. By these inducements, and the exertions of the Agent, a few persons before 1825, consented to try the experiment, and from that time, we may date the success of that mode of employing the convicts profitably to the State.

From a brief history of existing contracts, and of others which were abandoned, it will be perceived that it has been attended with infinite trouble on the part of the several Agents, to establish a sufficient *number* of branches of business to afford employment for the *whole* of the convicts; and thereby secure to the prison a sufficient *revenue* for its *maintenance*. Many branches were tried and abandoned, because even at the low prices the labor was offered, they could not be conducted with sufficient profit to the employer to insure his continuance.

Even the branches which have succeeded, have struggled through many difficulties and vicissitudes, requiring the utmost fostering care of the Agents, and greatest firmness and perseverance of the contractors, to eventually establish them on a profitable and permanent basis. Some of the existing branches of business have been abandoned by the contractors; but through the exertions of the Agents, others have been induced to resume them. And it was not until recently that any thing like competition for convict labor could possibly exist.

The several branches of business now established and carried on here, require the investment of large capitals, and are conducted with a heavy annual expenditure; and upon the strict attention, experience and perseverance of the contractors, depends entirely the success of their respective concerns.

In confirmation of my remarks, permit me to give as briefly as possible, the history of the several branches now conducted here

The Coopering Business

Was first contracted in 1824, to Mr. Allen Warden, (previous to which time the convicts worked by the piece, for any one who furnished materials. The Agent also furnished materials, made the ware, and sold it on account of the prison,) who employed about 70 convicts; found all the materials and gave the Agent one-third of the proceeds of the sales of the ware, as a compensation for their labor; to be paid when the ware was sold.

In 1826 the contract was altered, and Warden paid the Agent by the piece, as follows: for making potash barrels, 27 cents; oil and beer do., 25 cents; whiskey do., 21 cents; flour do., 10 cents; half bbls. tight, 18 cents; firkins, 10 cents; all other articles in proportion. In 1827, the manufacturing of painted ware was introduced under this contract. The whole was carried on with various success until 1829, when the contract was discontinued. The average earnings under this contract, 23 cents per day each, and State found tools.

In the same year at the urgent and repeated solicitations of the Agent, Mr. Wethey, the present contractor, was induced to resume this business, and employed 40 convicts at 25 cents per day; contract for five years. In January, 1833, he consented to advance the price to 28 cents per day, but preferred abandoning the contract, to advancing to 30 cents, which he was urged to, by the Agent.

Mr. Wethey is one of the first business men in this county; but with all his advantages, it is understood that he realizes only a moderate profit in this business, and offers to dispose of his stock, &c. at first cost, and retire from the business. He has now invested in stock, materials, lumber yards and store houses, and teams, not less than \$30,000. By reference to the shop books, I find that the men employed do not average through the year, more than 8 tight barrels a week each, for those who work at tight barrels, and 18 flour barrels a week each, for those who work at flour barrels.

The Manufacture of Carpenters' and Joiners' Tools,

Was commenced by myself in 1821. In 1822, I associated Mr. McMaster with me. We employed but 4 or 5 convicts, at 4s per day for good workmen. In 1825 I relinquished my interest to

Messrs. McMaster & Garrow, who from that time employed 10 convicts, viz; 3 at 50 cents, 3 at 31½ cents, and 4 at 18½ cents per day. In July, 1827, the contract was altered, so as to employ 41 convicts for 10 years, viz: 13 at 50 cents, 20 at 40 cents, and 8 at 25 cents per day. The contractors, by an experience of two years, found these prices higher than their business would sustain, and in August, 1829, the Agent being satisfied of that fact, reduced them, so as to average the men all at 30 cents per day, at which prices they now remain.

This business has been conducted with great economy and perseverance, and is now well established. The articles manufactured are sent to all parts of the United States and into Canada. It has attained its present extent and importance, at great expense and unremitting exertion.

The capital now employed is estimated by the contractors at \$27,000.

Manufacturing of Boots and Shoes.

This branch was first let to Messrs. E. and J. Pease, the present contractors, in 1824; previous to which time, the shoemakers were employed for any person who furnished stock; but principally for family use.

They have continued this business from 1824 to the present time, employing from seventy to fifty convicts. The prices of labor through the whole time, the same as at present, viz: for making fine boots, 16s; coarse do. from 6 to 8s; fine shoes, 5s; coarse do. 3s; women's leather and cloth shoes and boots, 3s; cacks, 1s 6d. This contract, at its first letting, was urged upon other persons, but they did not offer as good terms as were made by Messrs. Pease; and from that time to the present, no offers so advantageous to the State have ever been made, although others have been urged to do so; by the Agents.

The average earnings of the convicts to the State, in this branch, is estimated at 30 cents per day each.

This contract is not believed to be one of the most profitable ones to the contractor. The prices they pay by the piece, and the average daily earnings confirm the experience, that 30 cents per day for the labor of convicts, without water power, is, on an average, as high as contractors can afford to pay.

It is worthy of remark, that shoes and boots made in one of the eastern States, are now selling in this village cheaper than these contractors can afford them.

Weaving of Bed-Ticks, Jeans, Plaids and Stripes,

Was commenced in 1824, by P. H. Schenck & Co. The weaving was done by the yard, viz: for ticks, plaids and jeans, 5 cents per yard, and stripes at 3 cents; State found looms. In June, 1825, Worden and Wiltsie continued this business at the same prices. In 1827, they commenced employing the convicts by the day, and paid for weavers and warpers, 25 cents per day; for spoolers, 15 cents per day. The same year they relinquished the business, and it was continued by Messrs. Muir, Hills, Throop and Garrow, at the same prices.

This branch of business being connected with a cotton factory, I am unable to judge whether it is profitable to the contractors or not. It is probable the men could be let at better rates, on the expiration of the contract, if employed at some other branch of business.

Tailoring Business,

Was let to Mr. Van Anden, in 1824, for the employment of 12 convicts, who were tailors, for ten years, by the piece, viz: to pay the Agent one-half he should receive from customers. and should not charge them less than \$3 for making great coats with capes, without capes, \$2; for pantaloons and vests, 6s; all other garments in proportion. In 1827, the Agent became satisfied the amount paid for the labor was too small; and induced the contractor to advance the price from that time, so that the Agent should receive for making great coats, 14s 5d; body coats 10s, pantaloons and vests, 4s each; all other garments one-third more than before.

In the fall of 1832, before the expiration of his contract, he agreed to advance the price to 16s for box coats, 14s for body coats, and 4s for pantaloons and vests, in consideration of having his contract extended five years.

The average earnings of the convicts in this branch is 31 cents per day.

Manufacturing Brass Clocks and their Cases,

Was commenced in November, 1832, and is rather an experiment yet, with the contractors. It is yet doubtful whether they can successfully compete with the manufacturers of this article in the eastern States. The contractors have not sufficient confidence in their business, to advance the price of the labor of their men, to the usual average, where water power is furnished. They now pay 30 cents per day; and have stipulated to advance on the first of May next, to 32 cents per day.

They inform me that they have now invested in machinery, tools and stock, about \$14,000.

Manufacturing Steam Engines and Boilers, Cotton and Woollen Machinery, &c.

This branch of business has grown out of the machine business, commenced in 1826, by Messrs. Worden and Wiltsie, for the purpose of supplying the cotton factory, then carried on by them, with machinery and keeping it in repair. They employed 8 to 10 convicts, who were smiths and machinists; and were furnished with water power, and paid 50 cents per day each for their labor. In 1827, it was transferred to Messrs. Muir, Hills, Throop and Garrow, for the same purpose; the number of convicts was increased to 20; for whose labor they paid the same prices.

In July, 1829, the business went into the hands of Messrs. Dunham and Walcott, at the same prices. In addition to doing the factory work, they did job work for any one who wished. In October of that year, the contractors became satisfied they could not sustain the business at the prices then paid; and upon their representations, and the convictions of the Agent, he reduced the prices to 40 cents per day.

In May, 1830, the contract passed into the hands of Messrs. Hitchcock and Walcott, at the same prices. To the machine business they added the making steam engines and boilers, and door locks; also an iron foundry, out of the prison. In June, 1833, the present contractors came into the business, and added the making of stone furniture.

This branch of business requires the most skilful convicts, as well as mechanical skill in the managers of them. It has advanced from one step to another, until it has become one of the most im-

portant in the prison; and requires a heavy capital to carry it on successfully.

Manufacturing of Combs,

Was commenced by Ira Dunning & Co. in 1827, in connection with basket and ax helve making, with 12 men, at 2s per day. In the summer of 1828, brush making was added to it. The basket and ax helve making was subsequently abandoned; and at a still later period, the brush making also.

The contractors found this business a difficult one to establish on a profitable and permanent footing, the merchant usually laying in his stock of combs in New-York, where he laid in his other goods; and in that market the contractors could not compete with the manufacturer of the eastern States. It was not until 1830, that with the addition of capital, and after a doubtful struggle of three years, it became established, and furnished, by additional profit, an inducement for the contractors to continue it.

In April, 1833, the price of labor was advanced from 25 cents to 28 cents per day. In June of that year, the original contractors went out of the business, and it was continued by Messrs. Seymour, Mills and Smith at 30 cents per day. In October it was again transferred to the present contractors at 32 cents per day, with the addition of a small water power.

One of the former contractors has recently established himself in the same business in this village, and is now carrying on a successful competition with the present contractors, by employing females and young men.

Manufacturing Hames, Saddle-trees, and the plating of Saddlery.

The making of hames alone was commenced by Brown & Guilford in October, 1828, with from 6 to 9 convicts, at 50 cents per day, and discontinued by them in about a year. In January, 1830, it was resumed by Hurd and Hayden, with 6 smiths, at 50 cents, and from 7 to 14 wood workers, at 25 cents per day each. They continued the business until September, 1831, when C. & P. Hayden took it, and added the making of saddle-trees. Six smiths at 50 cents, and 20 wood workers at 27 cents per day were employed by them until the first of August last, when they added, as an experiment, the plating of saddlery, and allowed 30 cents a day for all hands except smiths, who were still charged at 50 cents.

This business has been conducted with great energy by the present contractors. With the use of steam engine power, and by various improvements in machinery, and by arrangements with wholesale dealers in New-York, they have at length succeeded in establishing their business, and can compete with the manufacturer of these articles of the eastern States.

The contractors send three-fourths of their goods to New-York, from whence it is distributed to all parts of the United States.

Weaving of Carpets, Coverlets, Diapers, Flannels, &c.

This business, until October last, had not been let to any one, but the weaving was done on account of the Prison, for any one who furnished yarn. This business is small compared to others, but is believed to be as profitable to the State under the contract as before by the yard. They have about 20 convicts employed, 10 at 30 cents, and the residue (spoolers) at 15 cents per day.

It should have been earlier remarked that the 15 cent convicts, employed as spoolers, &c. are incapable of working at any thing else, from decrepitude, infirmities and diseases.

Cabinet and Chair making,

Was first commenced by Talmadge Cheny, one of the present contractors, in 1826, previous to which time the turning of chair and bedstead stuffs was done by the State for any manufacturers of those articles who applied, charging for the work by the piece.

Cheny commenced with 6 convicts who were workmen at this trade, and paid 50 cents per day for their labor. He increased the number gradually, and in 1828 employed 8 convicts at 4s, and 6 at 2s per day. In the early part of 1829, Mr. R. Curtis came into the business with Cheny. They enlarged the business, and employed 14 convicts at 50 cents, and 20 at 25 cents per day. The whole number was increased to 40 in 1833, when the contract was renewed for the number of convicts, and at the prices reported to the House.

In this business the contractors have paid a higher average price than has been paid in any other branch, unless it may be the machinists before 1830. The business has been managed with much economy and skill, and with great perseverance the contractors have extended it until it is now one of the most extensive carried on in this prison.

These are all the kinds of mechanical branches carried on here at this time, except the stone cutting, which has never been let, for the reasons that the men were frequently required to work as masons, in enlarging and repairing the prison buildings, and that there are several owners of quarries in this neighborhood, who all furnish the stone for those who require them for building, the Agent cutting the stone by the foot. If this branch of business was let out, it is thought that the furnishing of the stone would be monopolized by some one of the quarry-men to the exclusion of the rest, giving the power to the one who has the contract to increase the prices to the builder.

The foregoing branches of business are all that have *succeeded here*, although many others have been tried and failed, generally with a loss to contractors, and in some instances to the State.

As I have before remarked, the agents have had to use extraordinary exertions to introduce sufficient kinds of business to employ all the surplus convicts, and whether they would succeed or not was to be determined by experiment. Of the branches commenced and which have failed, the following is a summary.

Making of Harness and Saddles,

Was commenced in 1825; men at 50 cents per day; this business failed after a trial of about six months, and has not since been attempted here.

Gunsmithing,

Was commenced in 1825; men from 50 cents to 25 cents, depending upon their skill. It was continued under two different contractors, until 1829, when it was finally abandoned with a loss to contractors, and to the prison.

Carpenter and Joiner's Business,

Was commenced early in 1828; men at 25 cents per day; but was abandoned in a few months with a loss to contractors. It was subsequently resumed by another person, and finally abandoned in 1832, with a loss both to contractor and State.

Wagon and Sleigh Making,

Was commenced in January, 1828, and was prosecuted until July, 1829, when it was abandoned. The contractors not finding it sufficiently profitable to induce them to continue it.

Making Threshing Machines,

Was commenced early in 1828, and abandoned in September, 1829.

Making of Jappaned Buttons,

Was commenced in August, 1830, and prosecuted under the different sets of contractors, and finally abandoned in October, 1831, with a loss to contractors. They could not compete with eastern manufacturers.

Making of Brass Buttons,

Was commenced in November, 1828; able bodied men at 30 cents, invalids 15 cents; from 15 to 20 convicts employed. Although this business was prosecuted with perseverance, it finally was abandoned, wholly, in October, 1830. Three different sets of contractors were engaged in it at different times, with capital and skill, yet it was found they could not successfully compete with the manufacturers in the eastern States.

Manufacturing of Satinets,

Was commenced in 1829, and prosecuted until September, 1833, when it was finally abandoned. This business required water power, and the weavers were charged at 35 cents; spoolers at 15 cents per day. In May, 1832, the contractors preferred discontinuing their business to paying 35 cents; but consented to go on, by having the price reduced to 30 cents per day for the weavers; spoolers same as before.

This business was conducted by men of capital and skill, but they could not compete with other manufacturers of the article.

Weaving of Checks,

Was commenced in 1829; weavers were charged at 25 cents; spoolers 15 cents per day. This business was finally abandoned in 1833, without profit to the contractors, and a part of the time was a loss to the State.

In the foregoing contracts, much of the loss accruing to the State, arose from the fact, that certain abatements were to be made by the Agents, in the price of the labor, provided, upon a thorough experiment, and a strict account of profit and loss, the contractors were not remunerated in their business.

From the time the system of contracting was commenced until as late as 1830, the several Agents have had to use every exertion to have all the convicts, not required for the ordinary labor of the prison, profitably employed in this manner. It was difficult to induce responsible and business men to embark in a new, and but partially tried, method of manufacturing; and it has required much experience and perseverance to manage convict labor, so as to make it profitable to the contractor and State.

New branches of business were to be tried; new and extensive markets were to be found; and many obstacles overcome, which were not apparent upon a first examination. But happily, a sufficient number of kinds of business have succeeded, and promise a prosperous continuance, thereby securing to the prison, and State, a sure source of maintenance of the institution.

The great solicitude and effort of the Agents has been to find suitable men *willing* to *employ* the convicts at such prices as would insure a revenue sufficient to meet the current expenses of the prison. They have been required by statute, "to use every proper means to furnish the prisoners with employment, the most beneficial to the public, and best suited to their various capacities;" and to their unremitted exertions in the discharge of this duty, the State owe it, that this institution since 1827, has been enabled to support itself. It has heretofore been considered an object of the first importance, so to combine the necessary punishment of the convicts with profitable employment, as to relieve the State from the burthen of their support, and produce the most salutary effect upon the convicts. This object has been steadily pursued, in the manner supposed best calculated to attain it, and with complete success.

It will be perceived that one object to be attained by adopting the *contracting system* was a *permanent income*, by obtaining a stated price per diem. or piece, and for a stated period. This object could not possibly be attained, by taking in work to do for any one, and every one, and of all kinds; for besides the innumerable small accounts which such a course would necessarily make, and the difficulty of collecting them so as to meet the monthly expenses of the prison, it would destroy the system of discipline, from the necessity there would exist, of permitting those who had work done, to see to, and direct its manufacture. But the greatest objection

would be the difficulty of procuring *sufficient* work of this kind to keep *all the convicts employed constantly*.

Neither would it be practicable to support the prison, by having the State furnish all the materials, making it up into merchantable articles and wares, and disposing of them on account of the prison. This plan would involve the State in a large expenditure for stock, require numerous agents to dispose of the wares, and subject the State to great losses in the sale. At whatever times, and prisons, this plan has been pursued, all experience has proved that it has been uniformly disastrous, and wholly inadequate to the support of the prisons.

If then, *contracting the labor*, is the only practicable mode, sufficient inducements must be held out in the prices and terms, or else capitalists and men of business will not hazard their time and money. These inducements, it is believed, have not been greater than necessary to the attainment of the object. The contractor must be assured that his business will yield a reasonable profit, or he will not engage or continue in it.

That the present prices for labor are not less than they should be, I think will be apparent from the following facts: That the contractor must employ a large number of convicts in his business; these hands he must keep employed as well in dull seasons, as when trade is brisk; as well when there is a depression in the market, as when times are good. And they must be *constantly* employed, or, when not at work, their time must be paid for. He must learn *nineteen-twentieths* of them the trade he carries on; and when a *good workman* is discharged, he must take on a *raw hand* in his place. He must take men of all capacities, ages and constitutions, whose terms of sentences are two years and upwards, many of whom never can make *skilful workmen*, if employed any length of time, and a majority of whom are discharged by expiration of sentence and pardon, by the time they have only begun to be profitable to the contractor. He cannot realize more, on an average through the year, than nine hours labor from his men, as they only work by daylight, and some considerable portion of that time is taken up in meals, going to hospital, clothes room, and in the enforcing of discipline.

The convict does not labor with a view to the interests of his employer; and there is not that assiduity and dispatch in his work

that there is with the journeyman laborer. At any time, if the physician directs it, the convict must be removed to some other business, or lighter employment, which his health may require.

When we add to these facts, that the contractor must necessarily keep a large amount of materials on hand, and is forced to keep large stocks manufactured, and must find cash markets for that stock, his payments for materials and labor requiring cash, and cash only; to which may be added the increased expenses to which he is subjected in conducting his business extensively. I think after taking all these facts into consideration, it will be readily supposed that he pays as much for the labor of the convicts as he can afford.

It is a well established fact, that of all the convicts received at this prison, not more than one-twentieth of them are mechanics when they are convicted. They are men of all ages, capacities and constitutions; a large proportion of whom cannot, from their ages, habits and dullness, be made good mechanics. Each contractor must take his proportion of this class of convicts; and it will be apparent that in many cases, the contractor cannot derive a profit from a portion of his men. About two-fifths of all the convicts are sentenced to this prison for three years and under; and two-fifths of these are for two years. Owing to these short terms of sentences, and pardons, not over one-half of all the prisoners discharged, have remained in the prison over three years; consequently about one-half of the workmen a contractor may have, are discharged by the time they have begun to be profitable to him.

If it is admitted that the system of *contracting the labor* of the convicts is preferable to the other modes considered, it then becomes important to inquire into the best manner of *letting* the contracts. The Agent is required by statute to make contracts "with *such persons*, and upon *such terms*, as he may deem most *beneficial* to the State." The construction of the section is such, that the *qualifications* of the persons seem to be intended, as well as the amount to be obtained. The course pursued here, so far as my knowledge extends, has been to negotiate with such persons, for the labor of the convicts, as the Agents considered best calculated to promote the general interests of the prison; who would afford aid in supporting the general police and discipline of the prison; and who would be most likely to prosecute their business successfully. My own policy has been to negotiate with several persons, and to take the best offer, *every circumstance considered*, as well

the qualifications of the person, as the price offered. This policy I conceive authorized, and even required, by the statute; and certainly required for the best interests of the institution.

For if, as has been recently inculcated, the Agent should be required to accept the *highest bid* or *offer*, by sealed proposals or otherwise, contracts would have to be made with persons, in some instances, whose intercourse with the prison would have a direct tendency to destroy the police and discipline, and to derange the whole system by unwarrantable interference; and, by spreading exaggerated reports calculated to inflame the public mind, weaken the confidence in our prison government. It is not too much to suppose, that there would be persons ready to take contracts, with the view to producing such results.

But suppose no such consequences are likely to follow; still it would be objectionable on another ground. If, upon the expiration of a contract, it is to be struck off to the highest bidder, persons unacquainted (from want of experience in convict labor) with the true value of that labor, would offer more than the business would warrant. The contractor *knows from experience* what he can afford to pay, and declines advancing. The inexperienced person takes it, prosecutes his business, finds he has overrated the value of convict labor, solicits a reduction in the price, abandons his contract, or fails in carrying it on. This result is a natural one, and most certain to follow such a practice of letting.

It would moreover be a species of injustice to the original contractor. He must necessarily have a large amount of materials, stock, tools and machinery on hand, subject to great sacrifice by being thus thrown out of business, and the *new* contractor comes into the possession and enjoyment of all the facilities and arrangements, which have cost the former contractor great exertion, time and expense to make. A good contractor is thus injured, and lost to the prison, and a new one introduced, whom the Agent has got to prove whether he is calculated to promote the interests of the prison, either in its discipline or resources.

There is no view of this mode of letting contracts, which does not lead me irresistibly to the conclusion, that any change in the present mode of letting the labor of the convicts, is fraught with the most pernicious consequences to the general interests of the prison.

But the subject of most importance to our penitentiary system remains yet to be considered. It is, the allegation that the business now carried on in the prisons, is a monopoly, injurious to the mechanic out of the prison; that convict labor is creating and maintaining an unjust competition with the laborious citizen mechanic; and that its effects are, to throw upon that class of citizens the whole support of our prisons. Another allegation is, that mechanics are made here, and sent out upon community, to break down the journeymen, by working for less wages; and to demoralize him by association.

If these things are so, it well becomes the Legislature to examine into it, and apply a proper corrective; but if it is not so, to satisfy the petitioners that their complaints are founded in error; and to adopt measures to disabuse the public mind.

Allow me to give a few reasons why I think that these grievances do not exist to the extent they are represented, if at all; or are not of such magnitude as to require legislative interference; far less, the destruction of one of the most admirable systems ever yet devised, for the punishment and reformation of criminals.

The first is, that the whole number employed in both prisons at *mechanical labor*, is not sufficient to produce any perceptible effect upon the mechanical interests of our great State. That number cannot exceed 1,100 men, of whom probably 100 were mechanics of some kind before they were sent to the prisons. This would leave, say 1,000 men, to add to the whole mass of mechanical labor of the State: what proportion this would be, I am unable to say, but certainly it must be a *very small proportion indeed*. Can it be believed, that this addition to the mechanical productions of this State, has augmented them to such an extent as materially to depress their prices in the market, to the injury of the great body of mechanics and artisans, to that degree that it forces them to call in a body upon the Legislature for relief?

Suppose that the wares manufactured in the prisons are, in fact, sold at less prices than those manufactured out: can it be true, that it can seriously affect the prices of the tens of millions of dollars worth of wares of all kinds, manufactured in this State?

Can it be true that the few branches of mechanical business carried on in our prisons, *amounting in this prison to only twelve*, can

affect the prosperity of the almost numberless other branches of business carried on throughout the State? How many kinds are in operation in this State, I am unable to state; but running over our own village, I find there are carried on, and apparently with success and profit, the following kinds of mechanical business, which are *not carried on in this prison*, viz: carpenters, joiners, masons, glaziers and painters, carriage, wagon and sleigh makers, blacksmiths, scythe, axe and edge tool makers, founderies, millers, mill-rights, sawyers, hatters, saddle and harness makers, tanners, morocco dressers, clothiers, woollen and cotton manufacturers, bakers, watch makers and jewellers, looking glass makers, gunsmiths, bookbinders, paper makers and printers, card makers, sash and blind makers, brush makers, pump makers, brick makers, chandlers, cigar makers and tobacconists, and umbrella makers and repairs. And of those carried on *in the prison and in the village also*, there are coopers, shoe makers, tailors, machinists, comb makers, and cabinet and chair makers. What would be the annual amount of all the wares and goods manufactured, I am unable to state. But of the amount manufactured in this prison, I have endeavored to to inform myself; and it cannot exceed in value \$200,000. Of this amount, at a moderate estimate, one-fourth is sent out of this State, or does not enter into competition with the mechanic, (such articles for instance as are manufactured in cotton factories,) leaving \$150,000 accumulation of mechanical products to the State. I again ask, in view of all these facts, can it be possible, even allowing this product is sold cheaper than the same goods manufactured out of the prison, that it can sensibly affect the mechanical prosperity of the State?

The whole addition to the labor of the country, by the employment of these 1,100, is not more than is added by the erection of one cotton factory, with its labor saving machines.

But this subject needs to be examined more fully. If our mechanical interests are depressed, does it necessarily follow that it must be charged upon our prisons? I think it will appear that it ought not to be; but that it is owing to a *competition maintained by the manufacturers in the eastern States*. It is a well known fact, that almost all articles of domestic manufacture, which will bear transportation, such as joiners tools, clocks, shoes, combs, saddlery, cotton goods, and some kinds of machinery, (all of them articles manufactured in this prison,) are sent into all parts of this

this State, I may even add, flood the State, and are actually sold at prices below what the mechanic can afford them, and even less than they can be produced by State Prison contractors. To this fact, I am fully convinced, by far the greater part of the oppression complained of, is attributable. Is it just then, to charge upon our luckless prisons, an evil so apparent, and so extensive? Better by far petition the Legislature to erect a barrier between this and the eastern States, and shut out the evil at once.

But grant that the addition, by the employment of the convicts, to the mechanical industry of the State is such as to depress it, and that the prices of the wares manufactured in the prisons are less, and that consequently certain branches are injuriously affected. How stands the case with the community generally? Take the tailoring business, as clothing is needed by all: The clothing is made for all who wish, (or so far as *thirty-five* men can do it,) at prices less than other tailors make them. The tailor out of the prison gets twice the price the contractor does, and has as much work as he chooses to do. But so far as the 35 convicts supply the community, that portion of it is directly benefitted: Even every other kind of mechanic is befitted, if he chooses to avail himself of it, by the less price the contractor will do his work for him.

This effect runs through the whole number of branches of business carried on here. The operation is to injure one mechanical branch, but benefit all the others, as well as all other classes of community, and is a *partial* evil but a *general* benefit.

But the truth is, so far as my observation extends, that many of the articles made here, command a higher price, than the same article introduced from the eastern States, and higher than those made by the citizen mechanic, and that others are sold so little below the ordinary market price, that it is almost impossible they should affect the prices of like articles through the country generally.

Mechanical labor in prisons is also objected to, because, as is alleged, it reduces the price of the journeyman's labor, and also tends to demoralize him by bringing him into association with discharged convicts.

The first part of this objection, which, it will be observed, relates to the wages of journeymen, and not the profits of their em-

employers, may with equal propriety, be made against any large establishment, in which apprentices are employed, and prepared to become journeymen. Besides, the number of journeymen mechanics will be generally proportioned to the demand for their labor; and therefore, a mere transfer of mechanical business from the hands of prison contractors, to those of the citizen mechanics, would not afford to journeymen any permanent benefit.

But the latter part of the allegation is, that the "association of the journeyman with the discharged convict, demoralizes him."—To this I have but a brief answer to make. It is, that after his discharge, the convict *must associate with some class of citizens*, either the mechanic, the farmer, or the poorer laborer. And will he be more likely to demoralize the mechanic, than any other class of citizens? Suppose he was discharged from prison *without* a trade, would he be *less* likely to carry contamination with him?

But what is the remedy proposed, for all these grievances? Some require the business to be changed, and others that all mechanical labor shall be discontinued.

Can the business be changed to any *other* branches which shall not be equally affected? Can contractors, or any other persons, be induced to employ convicts at any *new* business? I think not. Only those kinds of business which produce those articles which enter into the first wants of society, are of most common use, and of the greatest utility, can be successfully prosecuted in the prisons; such is the character of those now established here; many others have been tried and failed, and others are of a character that they can not be attempted here. But suppose other branches could be successfully prosecuted here, and that it is expedient to shift these branches, it would only be shifting the evil from one class of citizens to another, and would not be a remedy.

The only *effectual* remedy that the Legislature can give, would be to abandon *all* labor, and go back to the exploded system of solitary confinement. This remedy asked for, would certainly be effectual! But before this is done, I ask the Legislature to pause; men who have gloried in the great results of our present system, will ask the Legislature to pause; and even the wretched criminals, immersed within our prison walls, will beg of the Legislature to pause.

Our present penitentiary system has been looked upon as having approximated as near to perfection as can be expected from human nature, and has been adopted in many of our sister States; and any alterations here, will shake the confidence now reposed in it, not only in this State but throughout civilized community.

By this system the State has been relieved from a heavy annual burthen, of maintaining the prisoners. This burthen would amount, without the earnings of the convicts, to even one hundred thousand dollars a year. The convicts labor in companies, but still in silence; and the contamination of the comparatively undepraved is prevented. Their health is promoted by a sober, orderly and regular exercise of body and mind. Habits of industry are created and confirmed, and a relish is given for labor, which will more or less abide with them after their discharge. Such a combination of labor, silence and reflection, accompanied with a humane discipline, and moral and religious instruction, has a tendency to subdue the most obdurate and hardened; and we have undoubted proofs, that a majority of those discharged, have continued the practice of that industry and morality, acquired during their confinement here, and are now good citizens and useful members of society,

Before we change this system, and return to that of confinement without labor, let us look back to the experiment of 1822, '3 & '4. What was the result of that experiment, and why was it abandoned? Because it was a heavy burthen upon the State; because it destroyed the health of the convict, and brought him to a premature grave; or if he survived, he went into society with a heart hardened by excessive mental and bodily suffering, broken down, physically, mentally and morally, incapable and indisposed to even attempt to attain his lost standing in society.

These things are matters of history, and are not the pictures of imagination, and are within the reach of every one, disposed to inform himself. For documentary information on this subject, and much other matter equally interesting and important, as explaining our system, I refer you to Legislative Journals of the House, Session of 1823, pages 24, 140, and 662; also Session of 1825, pages 91 to 123; also Session of 1828, Appendix A, as well as Judge Powers' letter in reply to the strictures of Mr. Livingston.

I have extended these remarks beyond what I had intended, and drawn too largely upon your attention, but the importance of the subject, I trust, will be a sufficient apology. Much has been left unsaid, and many facts omitted, and many conclusions from facts stated, have not been fully drawn out, but have necessarily been left to be inferred. But the committee will still find sufficient communicated to convince them, and I trust the Legislature, that it would be wrong, without great cause, to disturb a system which is now the admiration of the world.

I am, very respectfully,

Your ob't serv't.

S. C. DUNHAM, *Agent*.

No. 342.

IN ASSEMBLY,

March 27, 1834.

REPORT

**Of the Attorney-General, relative to the Montezuma
turnpike and bridge company, in obedience to a
resolution of the Assembly.**

**ATTORNEY-GENERAL'S OFFICE, }
Albany, March 27, 1834. }**

TO THE SPEAKER OF THE ASSEMBLY.

SIR—

In obedience to a resolution of the Assembly I submit herewith a report in relation to the Montezuma turnpike and bridge company.

Very respectfully,

Your obedient servant,

GREENE C. BRONSON.

REPORT, &c.

ATTORNEY-GENERAL'S OFFICE, }
Albany, March 27, 1834. }

“STATE OF NEW-YORK,

“*In Assembly, March 7, 1834.*

“*Resolved*, That the committee on roads and bridges and the incorporation of turnpike companies be discharged from the further consideration of the several petitions of the inhabitants of the counties of Onondaga, Cayuga and Wayne, praying for the repeal of the Montezuma turnpike charter, and that the same be referred to the Attorney-General, (with all the papers relating thereto,) requesting him to report to this House whether, in his opinion, the conduct of the said turnpike company has been such as to amount to a forfeiture of their charter.

By order,

P. REYNOLDS, Jr. *Clerk.*”

The Attorney-General, in obedience to the foregoing resolution of the Assembly, respectfully submits the following

REPORT:

“The president, directors and company of the Montezuma turnpike and bridge company” were incorporated by an act passed March 31, 1815, for the purpose of making a turnpike road, to begin at the dwelling-house of Friend Barber in Throopsville, in the town of Mentz, running from thence to the village of Montezuma in the town of Mentz, in the county of Cayuga; and from the west side of the marsh lying along the border of Seneca river opposite, or nearly opposite to the village of Montezuma aforesaid, to the village of Palmyra. By the fifth section of the act the company was authorised, in its discretion, to make a turnpike road “from the east end of the bridge, across the Owasco creek at Throopsville aforesaid, to the village of Auburn.” By the sixth section of

the act the company was authorised "to make a bridge or bridges and causeways and road, running from the point where the above mentioned turnpike shall stop in the village of Montezuma, across the Seneca river and marshes, in such direction as to intersect the above mentioned turnpike, on the margin of the marsh on the west side." The seventh section contains a special provision applicable only to the bridge and road across the river and marshes. By the eighth section, the tolls for the use of the bridge and road across the marshes are regulated, and are different from those prescribed by the second section for the use of the turnpike. Laws, 1815, p. 115.

By the first section of an act passed April 5, 1817, the commissioners to lay out the turnpike road were directed to commence "at the west end of the turnpike bridge in Throopsville," "instead of the house of Friend Barber." Laws, 1817, p. 168.

By the first section of an act passed April 2, 1819, the company was authorised to make a turnpike road "from the said village of Montezuma, extending eastwardly until it intersects the northern Seneca turnpike road, at or near the west line of the town of Camillus." By the second section of this act, the company was authorised "to commence the turnpike road specified in the act hereby amended, [the act incorporating the company,] at or near the village of Auburn, in the town of Aurelius, and extend the same from thence to the village of Montezuma." By the fourth section the company was authorised "to make the stock in the said bridge and causeways or roads over the Seneca river and marshes a separate stock, to be called the bridge stock, and to divide the tolls arising from the said bridge among the proprietors of the said bridge stock." Laws, 1819, p. 86.

Whether the company ever made all the roads which have been mentioned does not appear. The petitioners only speak of a turnpike road from the village of Palmyra to the northern Seneca turnpike road, in the town of Camillus, now Elbridge. And in relation to this route they make no complaint against that part which consists of the bridge and road across the Seneca river and marshes.

The alleged ground of forfeiture, is, that the road "has fallen into a ruinous and impassable condition;" that the gates have been removed for about one year, without any attempt to make repairs or collect tolls; and the petitioners state their belief that the road

has been wholly abandoned by the company. It is also represented that the corporation has been twice indicted in the county of Wayne, for not keeping the road in repair; and that the last indictment has not been brought to trial, for the reason that no officer of the company could be found upon whom process could be served for the purpose of compelling an appearance.

A corporation may lose its privileges by non-user, or a neglect to exercise its franchise. How long the neglect must continue before it will work a forfeiture has never been settled; and no general rule can be laid down, which will be applicable alike to all cases. In some instances the public has little interest in the continued use of the powers of a corporation; while in others the public welfare requires that those powers should be constantly exerted, or that the corporation itself should be dissolved. A manufacturing corporation may be stated as an example of the first kind, and a turnpike corporation as an example of the second. Whether a manufacturing company continues or abandons its works is usually a matter of little public importance; but when a turnpike company suffers its road to fall into decay, without any attempt to rebuild or repair, the public suffers an immediate injury. The local authorities have no legal right to apply their highway assessments on the works of the corporation; and the people may consequently be deprived of a way for the transaction of business, without the power of applying a remedy. In such a case public policy requires that the neglect of a corporation, for a year, to exercise its franchise should be deemed sufficient evidence of an abandonment of the end and object of its creation: and the Attorney-General is of opinion that the Montezuma turnpike and bridge company has forfeited its privileges, so far as relates to the road from Palmyra to Elbridge, with the exception of the bridge and road across the Seneca river and marshes.

Respectfully submitted,

GREENE C. BRONSON,
Attorney-General.

IN ASSEMBLY,
March 27, 1834.

REPORT

**Of the committee on Indian affairs, on the petition
of the Stockbridge Indians.**

Mr. Jones, from the committee on Indian affairs, to whom was referred the petition of the chiefs and head men of the Stockbridge Indians, now residing in the Territory of Michigan,

REPORTED:

That the petitioners ask for the passage of a law providing for the payment of the principal sum due to the Stockbridge Indians, exclusive of that portion which is set apart for the promotion of learning, and the establishment of schools, in lieu of the annuity now paid them by this State; and also that the said school annuity be paid them at the treasury or at one of the banks in the city of Albany.

From the known improvident habits of many of the said Indians, and their liability to be overreached and defrauded by artful and designing men, your committee have come to the conclusion that it would *not* be for the interest or benefit of said Indians to receive *all* the avails of their land at one time.

In arriving at this conclusion the committee have not looked to the interests of the State, which would rather be promoted than retarded by paying the principal sum, but have considered the only question was the welfare of this remnant of the once lords of a portion of our territory, whose guardianship this State has in a measure assumed.

In relation to that part of the petition which asks for a law providing for the payment of said school annuity at the treasury, or at
[Assem. 343.]

one of the banks in the city of Albany, your committee believe it reasonable; that it would add much to the facility of their obtaining *each* of their annuities, to have them paid at the treasury, to the peace makers of said Indians or their order; and for that purpose would ask leave to introduce a bill.

IN ASSEMBLY,

March 19, 1834.

AMENDED REPORT

Of Hiram M. Hopkins, an inspector of Lumber at
Gibbonsville, county of Albany.

To the Honorable the Legislature of the State of New-York.

Lumber measured and inspected by Hiram M. Hopkins, of Gibbonsville, Albany county, in the year ending December 31st, 1833.

		<i>Per M.</i>	<i>Fees.</i>
185,752 feet white pine,.....	measured,	\$15 00	\$46 43
2,161 "	first quality white pine,.. inspected,	31 00	
3,599 "	second " " .. "	21 00	
4,449 "	third " " .. "	17 00	
55,708 "	fourth " " .. "	11 00	24 42
52,569 "	first quality whitewood, . "	14 50	
35,273 "	second " " . "	32 87
9,749 "	basswood, measured,	8 00	
11,965 "	hemlock, "	10 00	
2,392 "	maple, "	14 00	
2,658 "	white ash, "	14 00	7 38
2,819 "	black walnut, "	30 00	0 62
737 cubic feet white pine,.....	"	130 00	0 95

H. M. HOPKINS,
Inspector.

IN ASSEMBLY,

March 29, 1834.

REPORT

Of the committee on claims, on the petition of Livingston Spraker and John Spencer.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Livingston Spraker and John Spencer,

REPORTED:

That the petitioners state that in the winter of 1833, they entered into a contract with Mr. Bouck to furnish and deliver forty thousand feet of hewn hemlock timber by the 25th day of May thereafter, at the junction of the Erie and Champlain canals, near the Cohoes falls: that in pursuance of the said contract the petitioners procured the timber and deposited the same, in the month of March, on the lands of Joseph Black, in the town of Oppenheim, near St. Johnsville: that the State has erected a dam across the Mohawk river, near St. Johnsville, to serve as a feeder to the Erie canal; and with a view of preventing the water from spreading from said dam over the flats on the north side of said river, the State has erected an embankment or break work, commencing at the north end of said dam and running in a northwest direction about forty rods. The petitioners further state, that the timber of the petitioners was deposited on the east side of said embankment, and that in the month of March, 1833, the Mohawk river opened, and the ice dammed up in said dam, in such a manner that the said embankment gave way, and turned the current of the water and ice over the flats aforesaid, and swept the timber of the petitioners into the Mohawk river, and it was carried off with the flood, notwithstanding the efforts of the petitioners to save it.

Your committee can perceive no just claim against the State to indemnify the petitioners for their loss: they do not pretend that there was any defect in the construction of the embankment, or that there has been any negligence on the part of the public officers. The petitioners voluntarily deposited timber at a place which they supposed to be safe, but it turned out to be otherwise, and that they had misjudged. The damming up of the ice in the river, and the consequent rise of the water to the extent mentioned in the petition, and the giving away of the embankment, were events which were unforeseen, as well by the petitioners as by the public officers; and your committee can fix upon no principle by which they can make the State responsible for these mere casualties; and have, therefore, come to the conclusion that the prayer of the petitioners ought not to be granted, and have instructed their chairman to introduce a resolution to that effect.

IN ASSEMBLY,

March 20, 1834.

AMENDED REPORT

Of James A. Buckbee, Inspector of Domestic Distilled Spirits for the city of Albany.

To the Honorable the Legislature of the State of New-York.

The undersigned, inspector of domestic distilled spirits for the city of Albany, respectfully reports, that he has inspected from the first day of January, 1833, to the thirty-first day of December, inclusive, as follows:

4,536 barrels,	195,376 gallons,	fees \$476 28
91 hogsheads,	13,314 "	" 12 28
	<hr/> 208,690 gallons.	<hr/> \$488 56

Estimated to be worth 30½ cents per gallon, is.. \$63,650 45

JAMES A. BUCKBEE,
Inspector.

Albany, February 18th, 1834.

IN ASSEMBLY,

March 29, 1834.

REPORT

Of the select committee on so much of the Governor's message as relates to the insane poor.

Mr. A. J. Parker, from the select committee to whom was referred so much of the message of his excellency the Governor, as relates to the insane poor, and the several petitions of the State medical society, and of sundry inhabitants of the county of Oneida, praying for the erection at the expense of the State, of an asylum for insane paupers,

REPORTED:

That the committee have given to the subject referred to them an attentive consideration, and concur unanimously in the opinion expressed in the Governor's message, that the insane poor have a "rightful claim" for a much greater portion of legislative patronage than has hitherto been bestowed upon them.

Among all the different classes of the unfortunate, for whose support and comfort it is the duty of the public to provide, there are none whose claims are paramount to those of the insane poor. Subjected as they are to the double ills of poverty and mental derangement, and utterly incapable of providing for the removal of either of these afflictions, their helpless condition appeals irresistibly to our sense of justice, as well as to our sympathies, and demands that relief which the public owe to the destitute members of community.

By the census of 1825, it appeared that there were at that time in this State 819 lunatics; and it is estimated by comparison with
[Assem. No. 347.]

our increase of population, that the number at this time is not less than 1,000. About 700 of these are paupers. For these, no adequate provision has been made for the purpose of affording them the advantages of proper medical treatment. They are generally supported at the expense of the different counties and towns to which they are chargeable, and confined in cells, or separate rooms provided for that purpose either in county poor houses or in private abodes. Their security, and the protection of those around them, against any attacks to be apprehended from such as labor under the fury of maniacal madness, seem to have been the principal, if not the governing objects in the accommodations provided for them. Placed beyond the reach of medical relief, and treated like the perpetrators of crime, rather than the children of misfortune, the mental disease gradually fastens more firmly upon its victim, till it becomes incurable. What was at first but the wandering of intellect, is succeeded by the fury of the maniac, or the sullen despondency of incurable mental alienation.

It is now satisfactorily established, that diseases of the mind yield even more readily to medical treatment than those of the body, and that in at least nine-tenths of the cases of insanity, the patient may be restored to the full enjoyment of his mental faculties by the early application of judicious medical treatment. But the physicians who have been most successful in the cure of insanity, are those who have devoted most of their care and attention to that single branch of medical science, and it cannot be expected that all the advantages necessary to a successful application of curative means can be afforded to the insane, while they are scattered throughout every part of the State. It is only when they are collected at an asylum provided for that purpose; and classified according to the nature and extent of the mental disease, and attended by those whose skill and experience qualify them for the charge, that relief can be afforded. They should have the advantages of pure air and healthy exercise, and constant medical attendance. Kind and judicious treatment should be substituted for the severity which has been so universally applied, and the medical attendants should have an opportunity of studying well the peculiar character and degree of the malady under which the patient is suffering, before he can successfully apply a remedy; and while, by comparing the different shades and peculiarities of the numerous cases of mental disease collected at an asylum, the physician will be able to afford more sure and ready relief to each patient, the comparison of

cases will enable him to add much to the discoveries recently made in this interesting department of science.

The Asylum at Bloomingdale, under the management of the governors of the New-York hospital, is the only institution for the reception of the insane which has received any aid from the State. In addition to the money expended in founding and supporting that establishment, the sum of ten thousand dollars per annum is provided for its support till the year 1857. But not more than two hundred and fifty patients can be accommodated at that institution, and those who are unable to contribute to their own maintenance are excluded from a participation in its benefits.

Your committee deem it unnecessary to go into a full examination of the condition of this institution, as well as of the means generally employed for the cure of mental disease, but refer to the very able reports made on these subjects to the Legislature, within a few years past, and particularly to the report made in 1831, by a committee appointed at a previous session.

The Lunatic Asylum at Hudson, under the care of Doct. Samuel White, is also a private establishment, which has been conducted with great success by its enterprising and philanthropic proprietor, without the advantages of State patronage. The following statement, furnished to your committee by Doct. White, presents a highly gratifying view of the favorable results that have attended his efforts in the medical and moral treatment of the patients committed to his care:

"Statement of cases at the Hudson Lunatic Asylum.

During the year 1833, sixty-six cases have been treated, to wit:

Chronic cases remaining at the commencement of	
the year,	17
Recent cases,	5
	<hr/>
	22

Forty-four cases have been admitted in the course of the year, to wit:

Chronic cases,	24
Recent cases,	13
Intemperance,	6
Opium eater,	1
	<hr/>
	44

The whole number of

Chronic cases,	41
Recent cases,	18
Intemperance,	6
Opium eater,	1

 66
Forty-four cases have been removed during the year, to wit:

Chronic cases, recovered,	1
“ “ much improved,	4
“ “ improved,	9
“ “ stationary,	6
“ “ died,	2

 22

Recent cases, recovered,	13
“ “ improved,	1
“ “ died of another disease, but was re- covering from insanity,	1

 15

Intemperate, reformed,	5
“ unreformed,	1
Opium eater, reformed,	1

 44
Twenty-two cases remaining January 1st, 1834, to wit:

Chronic cases, recovered,	1
“ “ much improved,	2
“ “ improved,	11
“ “ stationary,	5

 19

Recent cases, recovered,	3
--------------------------------	---

 22
Summary.

Recovered,	19
Much improved,	6
Improved,	21

Stationary,	11
Died,	3
Intemperate, reformed,	5
" unreformed,	1
Opium eater, reformed,	1

 66

The whole number that have been admitted and treated, since the opening of the institution, July 1st, 1830, being a period of three years and a half, is one hundred and thirty-one.

Hudson, January 1st, 1834.

S. WHITE, M. D. *Proprietor.*"

These institutions, though highly useful and entitled to the favorable notice of the Legislature, are by no means adequate to the public wants, nor do they afford any relief to that class of the insane to which the attention of your committee has been more particularly directed, viz: the insane poor. No Asylum has been provided for them, nor have the Legislature made any appropriation of money for their benefit, although the subject has been frequently recommended to their favorable consideration.

Massachusetts is the only State in which ample provision has been made for insane paupers. A lunatic asylum has been recently erected at Worcester in that State, to which all the insane poor in that Commonwealth have been removed; where they are now supported, and receive appropriate medical attendance at the public expense. By the first annual report of the trustees of that asylum, which embraces the time from the admission of the first inmate, on the 19th of January, 1833, to the 30th of November of the same year, a period of about eleven months, it appears that 153 patients had been received into that institution. The time had been too short to allow the various means which had been practised, to produce their full effects in chronic cases; and the peculiar condition of the patients was such as to render the cure of many extremely difficult, if not hopeless. Considerably more than one-half of the whole number of patients came from jails, alms-houses, and houses of correction, and about one-third had suffered confinement for periods varying from ten to thirty years. "Many of these forsaken beings, during the dreadful period of their dungeon life, had been systematically subjected to almost every form of privation and suffering. By this treatment,

every regular process of thought had been broken up; confusion had extended itself into every department of intellect; all ideas were deformed, and had lost their true position and relation to each other, while the vital energies of the mind sent abroad tumults of passions, that raged without object and without end. No where in this chaos did the serenity of truth or the confidence of reason prevail."

Yet, notwithstanding all these obstacles, by the application of gentle and judicious means, *thirty-two* of this number had been discharged, fully recovered, and the condition of the others materially improved.

By the reports of the trustees of the Connecticut Retreat at Hartford, in the State of Connecticut, it appears that the efforts of those who have the direction of that institution, in treating the various diseases of the mind, have been crowned with wonderful success. Of the *chronic* cases about one-half, and of the *recent* cases not less than nine-tenths have been entirely restored. The success which has attended the providing of hospitals for the reception of the insane, in neighboring States, should stimulate us to action in this work of benevolence; and while the "empire State" is justly acknowledged to be foremost in the march of internal improvement, and in adopting measures best calculated to contribute to the wealth and prosperity of her citizens, let her not be exposed to the imputation of coldly neglecting the exercise of one of the most interesting and philanthropic of public charities.

. But if this subject is to be regarded merely as a question of economy, it is desirable that an asylum should be provided for the insane poor; for, at an extensive hospital provided for that purpose, a large number of patients can be supported, and supplied with medical attendance, at an expense much less than in county poor-houses or private families. The public would also be relieved from a heavy expense by the cure of the insane. By the report of the Secretary of State, it appears that 602 lunatics have been supported during the last year, in the several poor-houses alone. If we estimate the average expense per annum of supporting each one of this class of paupers at seventy dollars, it produces the amount of \$42,140. From the experiments that have been made, it is confidently believed by your committee, that with the superior advantages to be enjoyed at a public hospital, properly

conducted, at least thirty-five out of a hundred of these insane paupers might be restored to the full enjoyment of their reason, and thus rendered capable of supporting themselves. This would save an annual expense of \$14,749.

After a full examination of the facts and circumstances within the knowledge of your committee, they have come unanimously to the conclusion, to recommend the erection, at the expense of the State, of an asylum for the insane poor, at some central location, to be selected by commissioners with the approbation of the Governor, and upon such plan as they shall deem best adapted to the purposes of the institution.

Your committee have therefore instructed their chairman to ask leave to bring in a bill for that purpose, which, with the report, is respectfully submitted.

IN ASSEMBLY,

March 27, 1834.

REPORT

Of the select committee on the petition of inhabitants of the counties of Cayuga and Seneca, relative to a law to prevent the killing of ducks in Cayuga lake and outlet.

Mr. Palmer, from the select committee to which was referred the petition of inhabitants of Cayuga and Seneca, praying for a law to prevent the killing of ducks in Cayuga lake and outlet, under certain restrictions,

REPORTED:

That the petitioners represent, that for the last two years past, a certain individual residing near the Cayuga lake, has been in the habit of making use, for the destruction of ducks in said lake, of a kind of swivel or large gun, mounted on a small boat and carrying sixteen ounces of shot, to the great detriment of those who have been in the practice of shooting ducks in the ordinary manner.

They therefore pray that a law may be passed prohibiting any person under the penalty of ten dollars for each offence, to shoot or fire at ducks on the waters of the Cayuga lake, Seneca river and the outlet to the same, with any gun or fire-arms the caliber or bore of which shall exceed one inch diameter.

Your committee see no reason why the prayer of the petitioners ought not to be granted; and ask leave to introduce a bill.

IN ASSEMBLY,

March 31, 1834.

REPORT

Of the joint committee of the two Houses, on the special message of the Governor, of the 24th March, 1834.

Mr. Morris, from the joint committee of the two Houses, to whom was referred the special message of the Governor, of the 24th March, 1834,

REPORTED:

That they have given to the subject all the consideration which its importance demands, and that their deliberations have resulted in a unanimous assent to the propriety of the measure which the Governor has recommended to the Legislature. They have prepared a bill accordingly; but before they proceed to submit the details of the plan on which they have united, they deem it due to the occasion to advert to the circumstances which render its adoption expedient, and to the relation in which the State of New-York has for several years stood to the great question of re-chartering the Bank of the United States.

The right of Congress, under the Constitution of the United States, to incorporate such an institution, has uniformly been denied by many of our citizens; while others, who supposed that such a right, though not given in terms, might be drawn by implication from express grants of power, became, at an early day, alarmed at the influence which the Bank had acquired by its control over the monied institutions of the States, and by gaining over to its service many individuals, of distinguished talents, who had uniformly been hostile to it. All saw in these indications of strength, a danger that it might be perverted to the accomplish-

[Assem. No. 350.]

ment of objects altogether inconsistent with that freedom of opinion, on which the durability of our political institutions essentially depends. An apprehension, on the one hand, of a concentration of power, dangerous to the government and the people, and, on the other, a deliberate conviction of the unconstitutionality of the Bank, led, in the year 1831, to an expression, on the part of the Legislature of this State, adverse to the renewal of its charter. Since that time, the electors of this State have repeatedly evinced their strong repugnance to it, notwithstanding the efforts of that institution to bring about a change in its favor, by purchasing presses and attempting to corrupt the fountains of public opinion. But the firmness with which all these efforts have been resisted by the great body of the people, has fully demonstrated the existence of a deep-rooted conviction on their part that it ought not to be continued beyond the period for which it is chartered.

In pursuance of the design referred to, on the part of the Bank, to produce a change of opinion in its favor, its accommodations were extended throughout the Union, from about forty-two to seventy millions of dollars, between December, 1830, and May, 1832. In this expansion of its loans, our own citizens largely participated; and the unnatural impulse which it gave to business and the spirit of commercial enterprize, has made the subsequent contraction of the operations of the Bank more embarrassing and disastrous in its consequences.

Unsuccessful in its attempts to control public opinion by appeals to the pecuniary interests of the people, the Bank immediately commenced a system of curtailment; and there is abundant reason to believe that it was the result of a deliberate plan to create wide spread embarrassment and suffering, for the purpose of extorting from the wants and fears of the community, an expression which it had failed to obtain by the extension of its favors. There is equal reason to believe that the principal effects of the contraction referred to, have been made to fall upon the citizens of this State; an object by no means difficult to accomplish, as the commercial operations of the Union have centered for many years in the city of New-York. And although the statements of the branch in that city exhibit no diminution of the amount of its discounts, it is nevertheless well understood that the Bank, while it has refused to the city merchants the usual accommodations in collecting the debts due them from other States, has, by the purchase of domestic ex-

change on New-York, through its southern and western branches, availed itself of their indebtedness, for the purpose of visiting upon them the distress and alarm on which it founded its hopes of coercing the people into a renewal of its charter.

It is conceded on all hands that the condition of this State would have been one of extraordinary prosperity, but for the embarrassments which have grown out of the operations of the Bank. That the payment of duties in cash by withdrawing a large amount of credits, which were equivalent to capital in the business of the merchants, has contributed to the prevailing difficulties, cannot be denied. But it is believed that this change of system might have been made without serious embarrassment, if the Bank had not retrenched its accommodations at the same time, and by creating alarm, put an end to that interchange of confidence and credit which is indispensable to the successful prosecution of commercial enterprises. The elements of our prosperity are undiminished: the State was never essentially more prosperous: the surplus production of the last season was almost unexampled: no foreign market has been closed against us; and, until the presses in the service of the Bank, and the public men who are advocating its recharter, proclaimed that the country was overwhelmed with embarrassment and suffering, our commerce and enterprise were pursuing their accustomed channels with activity and success.

That much of the existing pressure is the fruit of distrust, cannot be denied; but that any portion of distrust is to be attributed, as the partisans of the Bank assert, to the change made by the government in the places for depositing the public moneys, will not be for a moment conceded. If the public moneys had been withdrawn from the commercial operations of the country, a corresponding retrenchment would have been the consequence. But it is difficult to conceive in what manner their transfer from one institution to another, having nearly the same local situation, and possessing similar means of extending accommodations to business men, could have produced the effects ascribed to it. The local banks which received these moneys, have discounted upon them freely, and it is believed that they have been the principal means of sustaining the community against the evil consequences resulting from the contraction of the accommodations of the Bank of the United States, which from the period when its curtailments commenced, have been reduced about sixteen millions of dollars. That

this contraction has been made in a capricious manner and been carried to an unnecessary extent, can hardly be disputed; nor is it doubted that it might close all its concerns without producing embarrassment in the business affairs of the country, if it had not assumed an attitude of hostility to the local banks as well as to the decided expressions of public opinion. The former Bank of the United States discontinued its operations without any material check to the public prosperity, although during the contest in Congress for a recharter, the same scenes of panic and distress were enacted by its partisans. But the question of its recharter being disposed of, it submitted to its fate, and by means of the State banks, with which it had a friendly understanding, the transfer of its accommodations and business was made without difficulty or commotion.

It is not to be disguised that the State of New-York is the peculiar object of hostility to the Bank and its partisans. Although we hear of embarrassment and distress in other States, those evils are not depicted elsewhere with the same exaggerated features. Bill holders have been urged to make demands of specie on the banks; unwearied attempts have been made to bring them into disrepute by declaring them to be on the verge of insolvency; and it has been their misfortune to incur the enmity of men distinguished for their talents in Congress, while the monied institutions of other States have been almost entirely exempt from their animadversions. Rumours of the failure of particular institutions have been put in circulation simultaneously in different sections of the country; merchants of high standing have been made the subjects of similar impeachment; and no effort has been spared to produce panic and distress, for the purpose of inducing the people of this State to take shelter from impending evils under the shadow of the Bank of the United States. The credit and stability which our local institutions have derived from the Safety Fund system, have enabled them successfully to resist that grasping monopoly: and we have no hesitation in saying that the attacks which they have sustained, would, in the absence of the provisions of the Safety Fund act, have produced the most disastrous consequences. The objections which have been urged against them by those who have manifested a greater willingness to assail, than to understand the system, have been so satisfactorily answered by our Senators and Representatives in Congress, that it is unnecessary for us to recapitulate either the aspersions or their refutation. We can-

not, however, forbear to remark, that if the annual contribution of one-half of one per cent., for six years only, for the purpose of creating a fund, to secure bill-holders, is objected to, the objection is answered by the fact, that in other States, the banks are required to contribute annually, during the continuance of their charters, a larger amount for the support of government: if the evils of a paper currency are pointed out as a source of apprehension, the answer is, that in other States, the issues of paper exceed the amount to which our banks are restricted: if a concentration of power, by means of the Safety Fund, is feared, we answer that the interest of each bank is concerned in confining the operations of all the others to their proper limits, and that at least two-thirds of the banks are controlled by individuals who are politically opposed both to the administration of the State and the Nation. Although it is announced that a more liberal policy has been adopted by the Bank, it is well known that the arrangement is to be temporary in its duration. There is every reason to believe that the policy of curtailment will be resumed and pursued; and that the people have nothing to hope from the liberality of the Bank, but through the surrender of principles which they have repeatedly asserted, and which we are satisfied they will never abandon. The people of this State have always been ready to make all necessary sacrifices of their interest for the public good; and we much mistake them, if they do not meet with a firm and unyielding resistance, every effort to coerce them into an abandonment of their honest opinions, on the part of an institution which has set the authority of the general government at defiance; which has declared that it held in its hand the existence of the State banks, and which has exhibited both the power and the disposition to inflict injury and suffering upon the community.

Experience teaches us that, in this warfare upon us, our reliance must be upon our own resources. Our banks stand firm, and they are better prepared for the prosecution of the contest than they were when it commenced. Many individuals, however, in our commercial cities, have yielded to the pressure; although the distress has been by no means so great as has been represented. The efforts to create a panic, which should result in the prostration of our monied institutions, have been fruitless; and if the business of our citizens were left to regulate itself, confidence would soon be restored. But how long the Bank may allow their operations to continue undisturbed, cannot be foreseen; nor is it practicable

to ascertain the precise amount of the liabilities of our citizens to that institution, when its operations are spread out, through it numerous branches, and when the only avenue, through which any detailed information can be reached, is effectually closed up against the people, by the rejection of the government directors. It is, however, stated that its total amount of loans, on the 1st of March instant, exceeded fifty-four millions of dollars, of which, it is believed, seven millions at least are due from the citizens of this State. It is in the power of that institution to call in a great portion of this amount in a short period; and it may also reach us by sudden curtailments in places having intimate commercial connections with the city of New-York: and we should be wanting in prudence and foresight, when we recur to the past manifestations of its designs, if we were not to anticipate and guard against such an exercise of its power as its interest or ambition may dictate.

Other States have already taken such measures as were deemed necessary to protect their citizens, both against the gradual withdrawal of its capital and its struggles to perpetuate itself. On our part, no extraordinary legislation would be necessary, if we were sure that its affairs would be closed in such a manner as the interest of the public and its stockholders requires. But when we consider the desperate efforts which it has made to procure a re-charter, the assaults of its partizans upon the credit of the country, and the evils which it has visited upon the prosperity of this State, your committee deem it due to our citizens, that some measure should be adopted to protect them from an arbitrary exercise of its power. The necessity of such a measure does not grow out of the condition of the banks, or any doubt, on our part, of their ability to withstand any assault which may be made on them. On the contrary, we are fully satisfied from a careful examination of the returns of the banks to the Commissioners, on the 4th of March inst., which were exhibited to us at our request, that nothing but a series of unforeseen and extraordinary calamities could jeopard their safety. But in order to place themselves, as your committee now consider them, beyond the reach of the Bank of the United States, they have been compelled to withhold from their customers the accommodations usually granted at this season of the year; and any further contraction of its operations by that institution, might compel them to curtail still further, and thus increase the existing pressure.

It is only under this view of the subject—for the purpose of affording to the business of the city its usual accommodations, and thus securing to the country a market for its productions,—that the committee feel it incumbent on them to recommend any measure of precaution. Such they understand to be the purport of the Governor's message, and concurring, as they do, in the views presented by him, their attention has been directed solely to the object referred to.

In addition to the objections suggested by the Governor to the project of a large bank, other considerations of force might be urged against it. But the committee limit themselves to the single remark, that in their opinion no such indispensable necessity exists as to warrant the Legislature in hazarding the experiment.

The project of a loan, upon the credit of the State, is not open to the same objections. It will be a mere pledge of the credit of the State, to the amount loaned, for the protection of its citizens against an unprovoked warfare upon their prosperity; and to enable them to sustain themselves in the effort which they are making, in common with the citizens of other States, to cast off a monopoly alike irresponsible and dangerous to our popular institutions. For the accomplishment of these great objects, affecting the interests of the whole Union as well as our own, the committee conceive that we should be wanting in our duty, if we were to hesitate in resorting to the credit of the State, as a means of protection, in case the necessity for its interposition should arise. It is therefore suggested that the authority to make the loan and issue the stock be vested in a board of commissioners, composed partly of State officers, in whom the public have long reposed confidence, and partly of individuals known for their talents and integrity, to be appointed by the Governor and Senate; whose duty it will also be to determine when, and to what extent, the execution of the measure shall be demanded by the public exigencies. The committee are aware that such a discretion may be objected to: but they see no alternative but to confide it as they propose. Unless this be done, the Legislature must either declare that the loan shall be made absolutely, or, by refusing to act, leave their constituents at the mercy of an institution from which they have nothing to expect on the score of justice or liberality.

The amount proposed to be loaned is \$6,000,000, of which \$4,000,000 is set apart for the city of New-York, and \$2,000,000

for the different counties of the State, excepting those in the first Senate district. The commissioners are to be authorized to issue five per cent. State stock for this amount, redeemable at different periods, as they may think proper, but not exceeding twelve years in any case. It is proposed to loan the amount set apart for the counties, through the agency of the loan-officers, under the restrictions of the act authorizing the loan of 1808; but the money is in no instance to be delivered to those officers, until the board of supervisors of the county shall first determine that their citizens require it; and, as in the case of the loan of 1792, the county will be responsible for any deficiency of principal or interest in the payment of the sums loaned within it. These provisions, while they leave it to the several counties to decide whether the loan is necessary, will ensure a certain return of the money to the treasury of the State, after having performed its office of guarding against the evils of factitious as well as real pressure.

It is proposed to loan the sum set apart for the first district, to the banks in the city of New-York which shall make application for it, and shall offer to the State such ample security for the payment of the interest and the reimbursement of the principal, as shall be satisfactory to the Commissioners; but no part of the sum is to be loaned to any bank, unless, in the judgment of the board, the public exigencies require it, and in no case is a loan to a bank to exceed one half of its capital stock. Whenever a loan shall be made, the bank receiving it should, in order to render it beneficial to the community, be authorized to discount upon it as capital; and in this manner, it is believed, that the necessities of business men will be much more effectually relieved, than they could be by the intervention of loan officers. The execution of these arrangements will depend upon a concurrence of the banks and the Commissioners; and the committee are assured that, in case of necessity, it would afford a relief, the effects of which would be felt throughout the State. The condition of the market in New-York, necessarily affects every section of the State; for it is in that city that all our commercial operations centre. The abundance or scarcity of money there, fixes the prices of all the productions of the interior; and upon the ability of the merchant to make purchases, will depend the reward which the farmer, the mechanic and the manufacturer receive for the fruits of their industry. Thus are all classes of our citizens, and all sections of the State, linked together by common ties of interest, which can neither be broken

nor relaxed without general embarrassment and suffering. It is by the pressure of the Bank of the United States upon the money market of the city, that the distress which is felt in some of the interior counties, has been produced; and it is for the purpose of alleviating it, and guarding against its recurrence, that the proposed loan is set apart to sustain the prosperity of the city, indispensable as it is to the successful employment of the wealth, enterprise and industry of the whole State.

Such are the general features of the relief proposed by the bill which the committee ask leave to introduce. They are aware that the measure is of no ordinary character, but at the same time it is not without precedent. In 1786, when the country had passed through a long and sanguinary struggle for independence, and had come out of that contest with its commercial confidence impaired, and its citizens embarrassed by the pressure of pecuniary distress, the Legislature of this State interposed its credit, and loaned to the counties the sum of five hundred thousand dollars. In 1808, when the commerce of the country had been suspended by measures of restriction indispensable to its preservation, the Legislature authorized the fiscal officer of the government to borrow the sum of four hundred thousand dollars, and to loan it to the citizens of the State. In each of these cases, immediate and effectual relief from a temporary pressure was afforded. Then, as now, the State was called on by a regard to the welfare and prosperity of its citizens, to put forth its credit for their support. And your committee cannot forbear to add, that if, in the cases referred to, the appeal was not unsuccessful, the obligation of the State to stand forth in its strength seems, at least, equally imperious, when her commercial prosperity is assailed, the freedom of opinion outraged, and a vast monied power seeks to perpetuate itself upon the ruins of our political institutions.

The loans of 1786 and 1808 were not made to banks, or to citizens through the agency of banks: and although the proposition to intrust so large an amount to the credit of the local institutions, may meet with some objections, it is apparent that this mode of extending relief and giving renewed activity to our commerce, will be more effectual than any other. When we consider that the general government has not hesitated to intrust to three banks in the city of New-York, a larger sum than is now proposed to be

loaned to all of them, and that our citizens have confided to fifteen of those institutions, private deposits exceeding \$6,500,000, no reason can be perceived why the State should put less confidence in them, than those who have a deeper interest in their stability and credit. Our Canal Fund, exceeding \$2,500,000, is now and has been, for some years, deposited, not only with safety, but with profit, in our banks, principally in the interior of the State; and in the year 1833, the sum of nearly two millions of dollars was drawn from them by the Commissioners of the Canal Fund for the redemption of Canal stock. In 1797, the Legislature authorized the sale of the United States Bank stock held by the State, amounting to \$1,300,000, to the Bank of New-York, for which that bank gave its bond. The capital of the bank was never more than one million of dollars; yet a debt, exceeding that amount, existed against it more than twenty years, without any loss to the State; while in the present case, the proposed loans are not to exceed one-half the capital of the banks to which they are made.

It is not to be disguised, that this measure ought not to be adopted without necessity. But when we consider the power of the Bank of the United States, and its attempts to control public opinion by successive appeals to the favor and the wants of the community, your committee rely with confidence on the patriotism of our citizens to support all measures necessary for our common protection. They will not fail to perceive, that if this vast and irresponsible monopoly is successful in its struggles to maintain itself, in opposition to the declared will of the people, it will gradually overshadow and destroy the free institutions under which we live.

March 31, 1834.

J. W. EDMONDS,
C. L. LIVINGSTON,
SAMUEL L. EDWARDS,
of the Senate.

ROBERT H. MORRIS,
OLIVER PHELPS,
AMASA J. PARKER,
MELANCTON WHEELER,
W. H. ANGEL,
of the Assembly.

IN ASSEMBLY,

March 31, 1834.

REPORT

Of the select committee, on a resolution of the Assembly, and several memorials, relative to the employment of convicts at the State Prison.

Mr. Humphrey, from the select committee to which was referred the resolutions of this House, requiring them to inquire into the expediency of discontinuing such mechanical trades in the State Prisons of this State, as bring the labor of the convicts into general competition with that of the mechanics of the country; and also, to inquire and report to this House what effect the labor of the convicts has upon their health, morals and reformation, and the finances of the State; and also the several memorials, petitions and proceedings, of public meetings on the subject of convict labor in the prisons,

REPORTED:

By the existing law it is made the duty of the Agent of each of the State Prisons to use every proper means to furnish the prisoners confined in the respective prisons with employment, the most beneficial to the public, and the best suited to their various capacities; and also, to use their best endeavors to defray all the expenses of the prisons by the labor of the prisoners.

It is also made the duty of the Agents, when so directed by the inspectors, to make contracts from time to time for the labor of the convicts, with such persons and upon such terms as they may deem most beneficial to the State.

In attempting to carry into effect the intention of the Legislature, the Agents have made contracts for the services of a great
[Assem. No. 352.]

proportion of the convicts, with different individuals, so that the prisons have been converted into work-shops, in which most of the mechanical trades are carried on and taught to the prisoners, and in which all may be so pursued, without any other restriction than the will of the Inspectors and Agents, and in which, from the terms of the statute, most of the discretionary power, for practical purposes, is vested in the Agents.

Complaints have been made on the part of large numbers of the mechanics of the State, against the manner in which the prosecution of this system affects their interests, and feelings, and reputation.

Complaints have also been made as to the manner in which the discretion in letting the contracts has been exercised, and that the system necessarily tends to fraud and favoritism.

It is due to the Agents, however, to say, that there has been no evidence before the committee, from which any unfavorable impressions could be drawn, as to the manner in which they have discharged this delicate and embarrassing trust. The cases specified have been explained in a manner to satisfy the committee that no suspicion can attach to the integrity of the persons concerned. In the opinion, however, of your committee, the power over this subject ought to be more carefully guarded.

As to the effect which the labor of the convicts has upon their health, your committee have not been able to ascertain any important facts to be added to those contained in the annual reports of the officers of the prisons. They, therefore, respectfully refer to those reports, as the foundation of their belief, that the habits of temperance, exercise and perfect regularity of life, enforced in the prisons, could have none other than a salutary influence upon the health of the description of persons generally there confined.

The system under the present regulations has been able to sustain itself, and will probably continue to do so, and if no change is made, will yield a small revenue to the State. But this is a subject of great complaint on the part of most of the petitioners, who allege that the convicts are confined for the benefit of all, and should be supported in fact by the means of all; but that the burthen now virtually rests upon them. From the view the petitioners take of the subject, the argument is plausible, and ought not to be lightly passed over.

It is a well established principle in the science of government, that the viciously disposed members of any community can only be held to the observance of good order, by the apprehension of punishment for an infraction of the law.

In prescribing a system of criminal jurisprudence, one of the most difficult problems for a legislator to solve, is to graduate a scale by which the relative enormity of the different offences against the institutions of an enlightened government can be determined.

Owing to the peculiar circumstances which exist in each distinct community, no universal standard can be resorted to, and hence experience is the only practicable test of utility.

We accordingly find that the institutions of all civilized governments have been continually changing, and it is also worthy of observation that in most instances, both in the old world and the new, the criminal codes have been gradually assuming a character less sanguinary and severe.

The latter observation is undoubtedly applicable to this State; and it is a serious matter of inquiry with some of our most enlightened citizens, whether the indulgence of a supposed feeling of humanity, on the part of many, has not degenerated into a morbid sensibility, that would consult the interest and well being of the criminal at the expense of the community, against whose rights he has offended.

The idea of coupling rewards and immunities with punishment, has in some instances found its way into our statute books. It is, in the estimation of your committee, of a doubtful policy. It is questionable whether every indulgence to a convict beyond a mere wholesome supply of his natural wants is not *detracting* so much from the efficacy of his punishment.

As a general principle, the object of punishment is of a two-fold character; the chastisement of the offending individual, and the influence which the example will have in deterring others from following in his footsteps. To accomplish the object, society has at control the life, liberty and property of all who are within the jurisdiction of its laws; and the Legislature and the executive officers of every government are bound to use the power which this hold upon the fears of the evil disposed may give them, for the preservation of good order, and the promotion of the general happiness.

In our present penitentiary system, we have from motives of humanity and economy, undertaken so to regulate the punishment

of malefactors of certain grades, as to effect the reformation of the criminal, and relieve the government from the expense of his support while in confinement.

These are undoubtedly desirable ends, provided their attainment is consistent with the rights of the well disposed citizens of the State, and can be accomplished without occasioning a greater evil than they propose to remedy.

It is proposed to reform the prisoners in our State Prisons, by making their punishment as mild as a regard to rigid discipline will permit, by imparting to them the means of instruction, and inculcating principles of morality and religion, and by teaching them some mechanical trade, by the pursuit of which they may earn their support after they are discharged. It is proposed to make the system sustain itself without expense to the State, by hiring out the labor of convicts to such mechanics as will pay for their services, and at the same time teach the prisoner, if necessary, some useful trade.

It is supposed by the friends of this system, that a large proportion of the convicts will return to the enjoyment of their liberty, prepared and disposed to become virtuous and useful members of society.

It is contended by the friends of the system, that the experiment has in all its parts been successful, and that its permanent existence under its present organization ought to be secured.

The existence of every institution—of every branch or department of our government, is dependent upon the favorable opinion of an enlightened public. It is therefore a proper subject of inquiry by the Legislature, whether the benefits resulting from our penitentiary system have been of so clear and decided a character, that its operation has afforded no just cause of complaint to any very considerable proportion of our fellow-citizens, whose interests are entitled to protection.

Against the reformation scheme, two objections present themselves as entitled to consideration:

1st. The manner in which the prosecution of the system will probably affect the influence which the example of punishment is expected to have upon society.

If a convict exhibits evidence of reformation and repentance, while in prison, a report of his case is heard without its walls;

public sympathy is soon enlisted in his favor, and the sentiment finds its way back to the ears of the convict. He will consider himself as an object of public attention and pity, and will regard his condition, and it will be so esteemed by many well meaning people, as rather one of martyrdom to the vengeance of an unjust law, than that of a felon receiving the wages of crime. The Executive is soon importuned with applications for his pardon; and whether he is dismissed in this way, or serves out his time, he returns to society believing himself entitled to, and claiming an equal participation in all its privileges. If this is extended to him and he is received as a fit associate for respectable and virtuous members of community; if no feeling of public infamy or self degradation is attached to his character, the terror of punishment has been materially diminished, and the influence of example lost much of its efficacy.

If society, as in most instances it will do, rejects the claims of such a pretender, his predisposition to crime is strengthened and stimulated by the necessities of his condition, and a desire to revenge his fancied wrongs. His inducements to remain in the paths of integrity and morality are not sufficiently inviting, while he is subjected to the jeers and reproaches of all with whom he may come in contact.

It can not reasonably be expected that, with a sense of his degraded condition—of present shame—with the finger of suspicion and of scorn constantly pointed at him—and the consciousness of deserving it, that any man who has been subjected to infamous punishment, as a convicted felon in a State Prison, can become a useful or valuable member of society.

Experience has shown that the idea of carrying the reformation of criminals to this extent, is rather the dream of the philanthropist than the rational calculation of statesmen.

The fact may be alluded to that most of our State Prison convicts are originally dishonest and unprincipled men, destitute of a sense of moral rectitude; and that, therefore, in many, if not most instances, discharged prisoners, even if not compelled by necessity, will from choice resume their practices of depredating upon society.

This fact is abundantly proved by the vast number of instances in which these men are found a second time, and oftener, the tenants of the same or of other prisons.

A second objection to the prosecution of the reformation scheme, as now carried on, and one of a more important and grave character, is the effect it is calculated to have upon the feelings and reputation of the class of our citizens with whom discharged convicts, if the hopes of the system are ever realized, are necessarily compelled to mix and associate.

The ultimate benefit contemplated by the system consists in returning them to society, not only reclaimed from their vicious propensities, but qualified to earn a future subsistence by some useful and honorable pursuit, or in other words, to labor at some mechanical trade.

State Prison convicts are, in most instances, men destitute of capital. If, therefore, they attempt to pursue without, the trade they have acquired within the prison walls, it must be in the capacity of journeymen; and they must, consequently, if employed at all, labor side by side with honest and respectable mechanics.

That "evil communications corrupt good manners," and that "the characters of men are estimated according to the company they keep," are maxims universally understood and appreciated, the slightest observation will convince us. At a moderate estimate from the returns of our State-Prisons, two hundred convicts will be annually discharged who have labored for a longer or shorter time at some mechanical trade in the prison. These men, the reformation system supposes, will resort to their trade for a livelihood. If the fact is not so to a very considerable extent, that alone demonstrates the inutility of the scheme.

When honest men associate with rogues, the very connection reduces the character of the former down to the standard of the latter: it can never have the effect of raising the reputation of the rogue to that of the honest man, in the estimation of the world.

From the returns it appears, that the greater proportion of the discharged convicts are young men, most of them under thirty years of age. In numbers, therefore, they will accumulate upon the mechanical trades. In a few years, if the reformation plan succeeds, they will form a very considerable proportion of our mechanics. What then is the effect that such an association is to have upon the general reputation of the mechanics of our country?

It is in vain to say, that the discharged convicts do not, in point of fact, mix with the honest mechanics, and thus contaminate the character of the whole. Such an argument would be completely suicidal if used by a friend to the reformation plan.

If it is urged that they leave the State, or are not heard of after they quit the prison, it may be answered, that if our penitentiary system in this respect appears to work well, it will be adopted by our sister States, and thus its evils or benefits return upon us, and be equalized in their operation.

It may also be answered, that if the State of New-York should remain peculiar in this respect, the fact that any considerable numbers of her convicts should emigrate and seek employment in other States, would subject those of her honest mechanics who might be disposed to travel or to emigrate, to humiliating and degrading inquiries and comparisons among strangers.

There is another view of the subject on which the objections to sending out discharged felons from our prisons to seek a livelihood by following those necessary and reputable trades which honest men pursue, are presented in a strong light.

It can perhaps be best illustrated by stating cases which are represented as having occurred.

A master mechanic has occasion, in the prosecution of his business, to employ a number of journeymen. If on their first engagement, as is most frequently the case, these journeymen happen to be strangers, they will all be regarded with suspicion by the neighborhood in which they work.

From the general bad character which State Prison convicts sustain, people are not willing to have persons of that description in their vicinity. This apprehension is justified by the frequent cases of repeated conviction. : Journeymen mechanics then coming as strangers into a community, would be subjected to a scrutiny which an honorable man could not be expected patiently to endure.

If a master mechanic should knowingly hire a discharged convict, self-respect would compel his other journeymen to quit his service. He could only be prevented from hiring such persons in-

advertantly by ascertaining in every case where a stranger presented himself for employment, whether he had learned his trade in a prison. The objection is the general degradation such a state of things would inflict upon the whole body of mechanics. Suppose a respectable farmer or other citizen should send his son to some mechanic to learn a trade, and on visiting him at his workshop, should find him seated by the side of a discharged convict, might he not justly complain? Would an honorable minded man under any circumstances, consent that his son should be subjected to the contaminating influence of such an association? His faith in the reformation scheme must be strong indeed, who would hazard the morals of his son in such company. -

If it is said that master workmen are not obliged to hire convicts, it may be replied that such an argument cannot be used by a friend to the reformation system. If those who learn trades in the prisons cannot find employment after they are discharged, the whole plan has failed. If they cannot follow the trades they have learned in the prison, after they are discharged, neither they, nor society have gained any thing on the score of reformation.

If it is said that the cases alluded to do not happen, or are of rare occurrence, it may be answered that they are a necessary consequence of the system, if the design of its projectors is realized. It may also be answered that precisely such cases have occurred; and also, that the system has not been long enough in operation to have all its consequences very extensively developed.

If, as is alleged by the friends of the project, the feasibility of reforming criminals, depends upon teaching them mechanic trades, which will bring their labor, either within or without the prison, into competition with that of the honest mechanics of the country, with all its necessary consequences, it is worthy of serious inquiry by the Legislature, whether it is consistent with sound policy to pursue the system any further with that view. If the extension and continuation of the system operates, as it is alleged that it does and will, upon the character and interests of any considerable portion of our fellow-citizens, it would be not only impolitic, but unjust to persist in it.

All are entitled to participate equally in the benefits resulting from the government, and its power and resources, which are cre-

ated by the will, and sustained by the means of the whole, ought never to be arrayed against the just rights of a part.

In this country, government is a compact between honest men for mutual protection against the depredations of the dishonest. Ranges form no legitimate part of the community; when they are punished and crippled in their capacity to do mischief, all their just claims upon society are answered; they have received their wages.

It is a mistaken notion of humanity that would consult the interest, or venture upon experiments for the benefit of robbers, forgers, ravishers, false swearers and thieves, where the chances of doing good to them are not equal to the probability of injuring those who have a claim upon the laws for protection. That there is more joy in Heaven over one sinner that repenteth, than over ninety-and-nine just men made perfect, is a sublime and beautiful idea, but of too refined a character to be adopted as a safe rule of conduct in the administration of criminal law amongst men. It is only adapted to those ethereal regions where a perfect knowledge of the human heart does not depend upon the result of experiment.

If, in addition to the demoralizing and degrading influence which it is contended that the system is calculated to have upon the character of the mechanics of the State and country, the direct competition of the labor of the prisoners with that of the honest mechanics, operates, to a considerable extent, injuriously and oppressively upon the interests of the latter, it is undoubtedly an evil which the Legislature is called upon, as an act of justice to a meritorious class of their constituents, to correct.

It is not right that the power and resources of the State should be used in this way. If this institution is to continue, it must commend itself to the favorable opinion of the great body of our citizens. The mechanics include a large proportion of the male adult population, and comprehend much of the wealth, intelligence, industry and enterprize of the State.

It is impossible that this institution can stand, dependent as our government is and ought to be upon public opinion, if it is so constituted or conducted as to operate unjustly upon the interests of this class of our citizens, or to excite in their minds a general prejudice which, as a body, they consider well founded; either event ought to be carefully provided against.

In addition to the reformation of the criminals, the other object proposed by the present system is, to relieve the State from the expense of supporting the establishment. The returns show that the prisons can, by the produce of their labor, not only meet all their expenses, but yield a revenue to the State.

The question then arises, from what source is this income actually drawn? The mechanics contend that the prisons are supported in fact at their expense. That from the character of the competition, it not only operates as a tax upon their labor and industry, but exempts the other classes from contribution, and directly benefits them, from the reduced prices at which the produce of the labor of the prisons is thrown into the market.

If the fact is so, it requires no reasoning to show, that the whole system is wrong; and that it would be more consonant with justice and sound policy, to punish the convicts in idleness, or unproductive labor, and maintain them by a tax, operating equally upon all the classes, and all the wealth of the State.

The labor of the prisoners is obtained by those who contract for it, with all the contingencies and conditions incident to the contracts, at prices much less than corresponding labor can be had by those without the walls.

This can be afforded, because the State has only to maintain the convicts themselves, with coarse and cheap fare and clothing, and pay the expense of their superintendence; while the honest mechanics have to give such wages as will decently and comfortably support journeymen and their families; and incur the expense of educating, clothing and boarding their apprentices.

The competition is alleged to operate unjustly, upon honest industry in two ways:

First, it enables the contractor for convict labor to undersell the honest mechanic in the produce of their work; and second, a contractor for convict labor, by hiring a large number of hands, has it in his power to monopolize any particular branch, and throw an over supply into any particular market. None but very heavy capitalists could contend against a competition of the latter description, at all; how long or how far they could sustain the former, would depend upon its extent. Young beginners and men of moderate means, would necessarily have to yield to either.

In answer to the objection of the direct effect of State Prison competition upon honest mechanic industry, it is contended, that it is not and cannot be so great or important as pretended; and also, that it is a mere trifle when added to that produced in our markets by the labor of the mechanics of other States. The latter, in relation to a few articles, is undoubtedly true. The committee have endeavored to ascertain the truth with regard to the extent of the competition as a general question.

It is also contended, that if the labor of the prisoners is obtained at low rates, and the mechanics consequently compelled to work cheap, the whole country is benefitted. Independent of the injustice which is manifest upon the face of such an argument, its impolicy is easily demonstrated. Take the instance of a village situated thirty or forty miles from a prison, in which all the mechanic trades are carried on.

In the prosperous and thriving condition by which most of our villages are happily distinguished, the necessary and natural competition which will always exist among those who are seeking competence or wealth from the same pursuits, will not fail to keep the produce of their labor at its fair value.

If articles manufactured in a prison are conveyed and sold in such a market, at a less price than can be afforded by the honest mechanic, the effect must necessarily be to drive the latter away. A component part of a well organized community is thus destroyed. The prison can only furnish the manufactured article. The distance is too great to do the mending and repairing, which employs a great part of the time of all mechanic establishments, and which the wants of every family are constantly demanding. And the prison purchases nothing from the branches of industry with which it might not interfere, and whose produce would have been required by the expelled citizen for his own family, and such workmen as a prosperous business would have enabled him to employ. If it does not actually break up the establishment of the citizen, it compels him to labor for a bare subsistence. And it is not to be wondered at, if blighted prospects and disappointed hopes have in the end a deleterious effect upon the habits and morals of a discouraged and desponding man.

One other consequence would almost necessarily ensue. As State Prison competition is conducted by individual enterprize,

and stimulated by individual avarice, it would be very apt when it had effected its object of destroying a rival establishment within the range of its power, to put up its manufactured articles to such prices as honest mechanics could have afforded them at; and when opposition for that reason should again shew itself, it might again be defeated by a reduction.

This fluctuating state of mechanic labor would be utterly destructive of individual enterprise. It is thus evident that the country would be greatly the losers if such consequences followed a cheap supply of articles of necessity, from State Prison labor,

If it is contended that such consequences would only be visited upon the section of country within the immediate vicinity of the prisons, it may be answered, that the interests of such are entitled to the protection of the laws; but such are our facilities of transportation that very few markets of the State would be exempt from a visitation. If it is said that the evil can be remedied by a competition in obtaining the State Prison contracts; it may be answered that none but large capitalists, and those who reside in the near vicinity of the prisons can be parties to such competition; and that such contracts are always liable to the consequences of fraudulent combinations. Under the present arrangement there is no restriction, and the labor carried on in the prison embraces the whole circle of mechanical industry.

Another objection to the present arrangement is that the power of disposing of the contracts may be very easily abused. There is a very general complaint against our penitentiary system on the part of the mechanics of several parts of the State. They call upon the Legislature to remedy the evil. Their representations are exhibited in the form of proceedings of public meetings, of petitions, memorials and remonstrances; and are sustained by the names of more than 20,000 individuals. There are applications on this subject from New-York, Albany, Troy, Palmyra, Brooklyn, Rochester, Buffalo, Ithaca, Auburn, Skaneateles, Arcadia, Yates county, Geneva, Elmira, and other places, all complaining of the manner in which the penitentiary labor affects their respective callings, and earnestly calling upon the Legislature for relief and protection, from existing and apprehended evils,

You committee are of opinion that some modification of the system is advisable. Various plans have been suggested for remedying the evils complained of.

The most important objection, in the estimation of your committee, is the teaching of mechanic trades in the prisons. This goes to the foundation of the present system of labor. Although in some particular instances the actual competition of the labor carried on in the prison is undoubtedly oppressive, and destructive to the mechanics who have to contend against it, yet in many of the trades the returns of the prisons, and indeed the number of convicts who could by possibility be employed, evidently shew that the competition could not be of a serious character. There is one view of this subject, however, which is entitled to consideration. There is no restriction by the present laws upon the mode of employing the prison labor. The services of the convicts may at any time be procured for any particular trade: and there are many trades by which the extent of the competition may be made serious*by the number of hands engaged in them; and as it would be entirely uncertain as to the time when such an occurrence would happen, or what calling would be affected by it, the mechanics, particularly those in the vicinity of the prisons, would be in a constant state of apprehension and alarm. They would not consider it prudent to engage in such pursuits as could be competed with in the prisons, for fear that when their establishments became profitable they would be assailed from that quarter. Experience has already shewn that such apprehensions are not without foundation,

It has been proposed to designate such branches of mechanical labor as might be worked at by the convicts, which would not come into competition with the trades now followed in the State: to select those trades in which the mechanics of other States and countries now send large quantities of manufactured articles into the markets of this State: to employ them in manufacturing articles exclusively for exportation: to employ them in making roads and other public works: to employ as many as possible at working in the stone quarries, and in getting out and dressing stone for canal locks, bridges, aqueducts, &c., and for public buildings and for sale.

It may be proper to remark, that when the construction of the State Prison at Sing-Sing was first contemplated, one of the

strongest grounds upon which its establishment was recommended, and that place selected, was on account of its inexhaustible quarries of marble; and under the suggestion of the commissioners appointed to inquire into the expediency of the measure, that the convicts might be for ever employed at working in the quarries.

It has also been suggested, that arrangements might be made through the General Government, for the transportation of certain classes of felons to some distant region remote from civilized settlements. This project is worthy of serious consideration. A large proportion of the persons who swell the list of our prison convicts are foreigners, who are practised adepts in crime, utterly reckless of principle, have no pride of character, except to be esteemed proficient in villany; and only dread imprisonment as an interference with their professional pursuits, in the loss of time which it imposes. A large proportion also consists of the canaille of the old world; the effervescence of European pauperism and human brutality. One of these classes is invited to this country by the rich harvest which it presents to their view, and by the supposed inefficiency of our police regulations; and both are encouraged and induced to commit crime, by the ameliorated condition of our criminal code, when compared with those of the countries they have left. It is believed that transportation would be a proper mode of ridding the country of felons of such description; and that the apprehension of it, as a mode of punishment, would have a salutary effect in deterring our own citizens from engaging in criminal pursuits.

It has also been proposed to raise the standard of State Prison punishment, by providing for the punishment of those offences for which convicts may now be sent to the prisons for a less term than three years, in the counties where they may be convicted; and also by inflicting infamous corporeal punishment for certain offences, in lieu of confinement in the penitentiary.

Various other propositions have been made and discussed: their very number serves to show the difficulties of the subject. The committee have only alluded to them; the limits of a report would not permit a detail of their relative advantages and disadvantages. They are all debateable questions.

The committee have felt that the subject submitted to them was of great importance, and deeply interesting to the whole commu-

nity. They are not insensible to the responsibility under which they are required to act. It cannot be denied that there exists, in relation to this question, on the part of the great body of our fellow-citizens who are engaged in mechanical pursuits, a state of excited feeling, which has, in some instances, magnified the evils of which they complain, beyond their real extent; while, on the other hand, there are, undoubtedly in many respects, serious and well founded grounds of complaint against the operation of the system, as at present carried on.

It is the duty of the Legislature to remove difficulties when practicable, by acquiring and disseminating correct information as to facts; and when evils obviously exist, to remove the cause promptly and efficiently.

It is not to be expected that an object which has put in requisition the active efforts of the statesmen and philanthropists both of the old world and of the new, could be accomplished without learning many lessons in the school of experience. All attempts to devise and carry into effect a perfect system of penitentiary punishment, either in Europe or in any of the United States, have heretofore failed. But it is with pride and satisfaction that we can refer to the universally admitted fact, that among those which have approximated nearest to the desired end, ours stand pre-eminent. It is a system which has in every stage of its existence received the anxious attention of our wisest and best citizens. It has from time to time undergone such changes as experience and the lights of the age indicated.

That much has been gained cannot be denied; that some of its features are objectionable and require altering, is equally apparent. But while in view of what has been accomplished, we should not be justified in persisting in manifest error; on the other hand, it would be madness and folly to jeopardize, by an act of precipitate or rash legislation, that which it has been the work of years to mature. It is an occasion on which forbearance is called for, on which entire reliance may be reposed, on ultimate justice being done to the rights of all our citizens by the wisdom of the Legislature. That the protection of society from the depredations of malefactors must impose a heavy burthen upon its members is apparent. It depends upon the wisdom and justice of our Legislature, to make that burthen rest equally upon the shoulders of all.

It is not to be supposed that the representatives of the whole body of the people could, on such a subject, be influenced by any but public and just considerations. The intrinsic difficulties of the subject are not and cannot be denied. It is, therefore, the duty of good citizens, when one experiment has failed, to wait patiently the result of another. It is in this way alone that the system can be perfected. An appeal to the intelligence and patriotism of the citizens of the State of New-York, has never been made in vain.

It is greatly to be desired that the criminals, which the well being of society requires should be confined in prison, should be compelled in some way to relieve the State from the expense of supporting them. No probable means should be left untried to attain this end. Our public buildings are now very extensive, and it is believed that the convicts may be so employed as to indemnify the State for all the expenses incident to their punishment, without bringing their labor into injurious competition with that of any class of our citizens, or affording to our mechanics just cause of complaint, in what your committee esteem a more important point of view.

Your committee have found it impracticable with a necessary regard to the other duties which have devolved upon them in the midst of a busy session, to give to this important subject enough of attention to warrant them in recommending any specific alterations in the present mode of employing the convicts. Enough, however, has been developed, to show that some material alteration is called for, and should be made with as little delay as may be consistent with the just rights of all the parties interested.

The committee have concluded to recommend the appointment, by the Governor, of three commissioners, with powers which will enable them to remedy, to a considerable extent, the evils which in the opinion of your committee do exist; and also, with instructions to report to the next Legislature such a plan of State Prison labor as a thorough examination of the whole matter will enable them to do.

The committee have prepared a bill, and have directed their chairman to ask leave to introduce the same; and have also directed their chairman to submit the following joint resolution to the consideration of the House.

An act concerning the State Prisons.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Governor shall appoint three commissioners to examine into all matters relating to the government, economy and discipline of the State Prisons of this State; and into the manner in which the convicts are employed, and the mechanical trades and other labor carried on in the said prisons:

§ 2. It shall be the duty of the Inspectors and Agents of the said prisons to appear before the said commissioners at such time and place as the said commissioners may appoint, and the said commissioners are hereby authorized to examine the said Inspectors and Agents, and any other person or persons appearing before them, on oath, to be administered by either of the said commissioners, touching or concerning any matters relating to the economy, discipline or government of the said prisons, or the labor of the convicts confined therein.

§ 3. The said commissioners shall report to the Legislature at its next session, whether any, and if any, what alterations or improvements may be made in the government or discipline of the said prisons, or the mode of employing convicts therein; and also as to the expediency of teaching mechanical trades to the convicts.

§ 4. If in the opinion of the said commissioners, any mechanical trade carried on in either of the said prisons ought to be discontinued by reason of its injurious competition with the labor of mechanics or artizans out of the prisons, or for other cause, the said commissioners shall report the same to the Governor, who may direct that such labor shall cease in said prisons upon such terms, and at such time, as he shall think expedient, with reference to existing contracts.

§ 5. There shall be allowed to each of the said commissioners the sum of three dollars per day for each and every day they shall necessarily be employed in the execution of their said commission; and also the sum of three dollars for every twenty miles travel, which compensation shall be in lieu of all expenses, and shall be audited by the Comptroller, and paid on his warrant by

the Treasurer, out of any moneys in the treasury not otherwise appropriated.

§ 6. Wilful false swearing by any person examined on oath, administered by either of the said commissioners, in the execution of the authority given to them by this act, shall be deemed perjury.

Resolved, (if the Senate concur,) That the Senators in Congress from this State be instructed, and the Representatives requested, to use their endeavors to procure the passage of a law authorizing the government of the United States to provide some foreign place to which persons convicted of felony in the several States may be transported, by the sentence of the State courts.

DOCUMENTS.

Extract from the report of Auburn State Prison, March 10, 1834.

Contract for coopering, by Abel Wetkey of the village of Auburn.

Contract made December 31st, 1832, for the term of three years, for the employment of 50 convicts, at 28 cents per day each: raw hands at 12½ cents per day, for two months, and 28 cents per day thereafter: with a credit of three months on each month's earnings. All materials and tools, and fuel furnished by the contractor: shop tending and incidental labor by contractor's men: stoves and pipe furnished by Agent.

There are now employed on this contract 2 smiths, at 50 cents; 9 coopers, at 30 cents; 50 do at 28 cents; and 3 raw hands, at 12½ per day each. Of the above 9 were coopers and 2 were smiths when they were sent here.

John Hepburne, Auburn, superintendent; salary \$400 per ann.

Contract for tailoring by Stephen Van Anden, of the village of Auburn.

Contract made January 1st, 1833, for the term of six years, for the employment of 35 convicts, employed by the piece as follows, viz: for making body and frock coats and cloaks, each 14s; great coats, 18s; box coats, 16s; military coats, 20s; vests and pantaloons, each 4s; box vests, 6s; all other garments in proportion.—Contractor to cut and prepare all work before sent to the prison; finds tools and all materials; Agent finds stoves, fuel and charcoal.

There are now employed on this contract 38 convicts, of whom only 2 were tailors when received into prison.

Lewis Van Anden, Auburn, superintendent; salary \$750.

Henry Van Anden, do assistant, do 400.

Contract for manufacturing saddle-trees and hames, and for plating saddlery, by Cotton and Peter P. R. Hayden, both of Auburn.

Contract made August 1st, 1833, for the term of five years, for the employment of fifty convicts, at the following prices per day: for 5 smiths, 50 cents per day each, new hands 30 cents for one year and 50 cents thereafter; 44 wood and iron workers, 30 cents per day each, new hands 25 cents per day for one month, and 30

cents per day thereafter; one shop tender at 25 cents per day: with a credit of three months on each month's earnings. All materials, steam-engine, machinery and tools furnished by contractors: stoves and fuel for warming shop by Agent.

There are now employed on this contract 5 at 50 cents, 42 at 80 cents, 1 at 25 cents, 1 at 15 cents: 20 hame makers, 25 saddle-tree makers and 5 platers; of whom 3 were smiths, 1 plater and 4 were carpenters when received into prison.

J. Standish, Auburn, superintendent; salary \$1,200 per ann.

E. Baldwin, Auburn, do do 600 do

D. Judson, Auburn, do do 600 do

Discharged from 1st September 1833, to 1st March, 1834.

Coopers discharged,	7
Tool makers do	4
Shoemakers do	10
Weavers do	15
Tailors do	4
Clock makers do	2
Machinists do	1
Smiths do	3
Comb makers do	4
Hame and saddle-tree, discharged,	2
Cabinet and chair, disch'd,	7
Stone cutters disch'd,	5
Spoolers do	3
Tinman and brass founder, disch'd,	2
Carpenters discharged,	1
Laborers do	13
Invalids do	7
Females do	6
Waiters washers and cooks, disch'd,	10
Barber and gardener, disch'd,	2

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Extract from report of Sing-Sing Prison, March 10, 1834.

Jeremiah Chichester, of the city of Troy, contract for seven years, dated 26th of December, 1832, for the employment of one hundred and fifty convicts, to work at the coopering business, at fixed prices for each article, made as follows:

Quarter bound rum hogshheads, at.....	70 cents each
Corn meal "	65 "
Iron bound rum "	62½ "
Wine barrels, at	40 "

Rum and beer barrels, at.....	31½ cents each.
Provisions, "	25 "
Flour, "	12½ "
Molasses hhd. shoos, at.....	28 "
" " nests of three, 12s. per nest.	
Shaving and bunching hhd. hoops,.....	10c. per bunch.
Lard and butter firkins,....	10 cents each.
Turpentine casks, iron or wood bound,	31½ "
Provision half barrels, "	18 "
Shoe tierces,.....	31½ "
2 barrel meat casks,	62½ "
1½ " " "	50 "
1 " " "	37½ "

All the stock to be furnished by the contractor; payments made monthly, with a credit of three months on each month's work.

John Groshon, of the city of New-York, contract commencing 1st January, 1833, for five years, for the employment of thirty convicts at the locksmith and finishing business, at fixed prices for each article, as follows:

4½ inch mortice locks,.....	\$3 00
4½ inch " " rabbitted,.....	4 50
6 inch rim locks,	1 50
7 inch "	1 75
8 inch "	3 50
9 inch "	4 00
Book case locks,	1 88
Sliding bolts for doors,.....	\$1 75 per pair.
Flush, " "	3 00 "
8 inch front door locks, (night keys,).....	\$6 50
9 inch " " "	7 00
10 inch rim locks, double tumblers,	7 00
Venetian mortice locks,.....	4 00
Sliding door furniture,	\$40 00 per sett.

Payments are due as the work is delivered; all the stock and tools furnished by the State. In the same shop are manufactured bank vault doors, cooking boilers, &c, on account of the State.

Richard Hasluck, of Birmingham, (England,) William J. Buck, of the city of New-York, Cotton Hayden and Peter P. R. Hayden, of the village of Auburn, N. Y., under the firm of Buck & Co., city of New-York; contract for five years, dated 19th October, 1833, for the employment of forty convicts at thirty-seven and a half cents per day each, in the manufacture of saddle trees, hames, and all descriptions of saddlery goods.

All the stock and tools to be furnished by the contractors, and they are also to instruct the men in the business; payments are to be made monthly, with a credit of three months on each month's work.

Statement of all the mechanical branches carried on at the Mount-Pleasant State Prison, and the number of convicts employed at each, on the first of March, 1833.

In lock and blacksmith shop, on John Groshon's contract, as follows:

Making mortice locks,	4
do front door do.....	2
do 6 inch rim do.....	9
Apprentices filing and fitting up castings,	10
Casting and moulder,	2
One painter and two at forges,	3
At turning lathe,	2
Total,	32
At work in same shop for State,	3

Average earning of convicts in this shop for the last month is sixty-one and three-quarter cents per day each.

In lock and blacksmith shop, on E. Bloomer's contract:

On locks of various kinds,	18
Apprentices, rough filing and drilling,	6
At turning lathes,	3
One painter and three at grates,	4
Forging for locks,	6
One waiter and one carpenter,	2
Total,	39

Manufacturing silk hats for E. Bloomer,	18
---	----

At work on Buck & Co. contract;

Filing and finishing brass saddlery,	14
At moulding,	2
At forging,	2
Total,	18

In shoemaker's shop, on contract for Jos. Garey:

Making brogans,	54
do women's shoes,	9
Total,	63

Of the above number nine are apprentices.

In shoemakers shop, on S. Knower & Co. contract:

Making copper nailed boots,	59
Stitching cap fronts,	15
Total,	74

In cooper's shop, on Jeremiah Chichester's contract:

Making corn meal and rum hhd.,	31
Wine barrels,	4
Rum do	13
Provision do	23
Firkins 4, and half provision barrels 2,	6
Flour barrels,	29
Making molasses hhd. shooks,	6
do do nests,	4

Total coopers,

Apprentices at flour and provision barrels,	11
do making barrel heads,	21
Laborers assorting stuff, sawing staves, &c., grinding tools, and waiters,	19
	<u>51</u>

Total in and about cooper's shop,

About thirty of the above are invalids.

Earnings of coopers' shop for the week last past was three hundred and thirty-four dollars, making an average of thirty-three and a third cents per day, for each convict employed; or thirty-seven and a half cents per day for the coopers and apprentices, and twenty cents per day for the invalids.

In the stone shop there are now employed on contract, as follows:

Cutting marble for the University,	44
Cutting and polishing marble for E. Bloomer,	20
Cutting marble for J. A. Carrington,	10
do for A. Benjamin,	4
do for Tompkins and McFarlan,	10

Total,

In addition to the above mentioned mechanical branches, we have the following mechanics at work for the State:

Stone cutters on prison buildings,	11
Masons do do	8
Blacksmiths, sharpening and repairing tools for stone shops and quarries,	10
Making kids, cans and pails for prisoners,	1
Weavers and tailors making clothing for convicts,	19
Shoemakers making shoes for convicts,	12
Wheelwright repairing carts and trucks,	1

Total,

*Discharged from Sing-Sing Prison, from 1st September, 1833, to
1st March, 1834.*

Whole number discharged during the last six months,.....	99
Of this number, worked at some mechanical branch in prison,	51
Twenty-nine had worked at mechanical business before they came to prison. Two of the discharged mechanics have returned to prison; and one pardoned on condition of his going to sea.	
Leaving the actual number added to the whole number of mechanics,	19

*Employment of convicts in Auburn Prison, on September 1, 1833:
Annual Report.*

To work on contract.

Bedtick weavers and spoolers,	86
Shoemakers,	44
Coopers,	61
Hame makers,	50
Tailors,	38
Cabinet makers,	49
Tool makers,	40
Machinists,	45
Comb makers,	38
Clock makers,	22
Coverlet weavers,	25
	498

To work for State.

Stone cutters,	18
Weavers and spoolers,	6
Blacksmiths,	6
Carpenters,	7
Tailors and barbers,	10
Shoemakers,	5
Wood sawyers and laborers,	18
Soap boilers and hostler,	3
Attendants in Wings,	10
Cooks and washers,	28
Coopers,	2
Hospital nurses,	2
do sick,	6
Invalids not employed,	4
Masons,	8
Laborers and tenders,	20
Stocking weavers,	3
Females,	24
	163

Total,..... 679

Statements C and D, of Sing-Sing Prison, Annual Report.

(C.)

*Number of convicts confined in the State Prison at Mount-Pleasant,
30th September, 1833.*

Remaining in prison 30th Sept. 1832,.....	832
Received from 30th Sept. 1832, to 30th Sept. 1833,.....	219
	<hr/>
Making,.....	1,051
Discharged during the same period by expiration of sen- tence,	165
Died,.....	25
Discharged by pardon,.....	50
	<hr/>
	240
	<hr/>
Leaving in prison, on 30th Sept. 1833,.....	811
	<hr/>

ROB. WILTSE, *Agent.*

(D.)

Employment of Prisoners.

Convicts confined in this prison, were employed on the 30th Sept. 1833, on work as follows:

	At work for sale.	Unemployed or at work for State.
Locksmith shop,.....	40	
Blacksmith shop,.....	37	19*
Coopers' shop,.....	162	
Shoemakers' shop,.....	90	9
Weave and tailors' shop,.....	18	38
Hatters' shop,.....	11	
Stone shops,.....	174	
Laborers in coopers' yard,.....	22	
do front yard,.....	15	
North and south quarries,.....	76	
Cooks, bakers and washers in kitchen,.....		18
Masons, stone cutters and laborers at prison buildings,.....		45
Waiters, &c. in prison hall,.....		15
Sick and lame in hospital,.....		20
Waiters in hospital,.....		2
	<hr/>	<hr/>
	645	166
		<hr/>
		645
		<hr/>
Total,.....		811
		<hr/>

* *At work in other shops.*

Most of the above mechanical branches, except stone cutting, have been but recently commenced, and a larger proportion of the men employed on them are apprentices.

ROB. WILTSE, *Agent*.

Petition of Mechanics and Manufacturers of Buffalo.

To the Honorable the Legislature of the State of New-York.

The petition of the undersigned mechanics and manufacturers of the city of Buffalo,

RESPECTFULLY REPRESENTS:

That in common with their fellow-citizens, who are engaged in the like pursuits with themselves, throughout the State, they deeply feel the injury inflicted upon the several mechanical professions, by the operation of the present State Prison system in this State.

By it, many of the mechanical products are brought into market, and sold at less than the actual cost of the raw material and the labor of manufacturing.

Hundreds of respectable and worthy mechanics are thrown out of employment, and mechanical pursuits brought into disrepute and disgrace, by transforming our State Prisons into vast seminaries for the education of convicts in those pursuits, to be sent forth to associate with, and prey upon society, with no other certificate of character than a good trade or profession, learned not by a respectable and faithful apprenticeship, but during a period of punishment for crime against society and its laws.

Protection to, and encouragement of, mechanical skill and industry against the pauper labor of foreign countries, has been one of the leading objects of our tariff laws since the establishment of our government. But by the present system of prison discipline in this State, we are brought into competition with convict labor, which is more ruinous and destructive of all mechanical skill and enterprise.

The undersigned do not deem it necessary to enter into an argument as to the propriety of employing convicts at the common mechanical pursuits, nor of the policy of permitting speculators to employ them, nor the justice of permitting the prison manufactures to be sold at a price at once ruinous to the regular manufacturer, and destructive of mechanical business generally.

They deem it sufficient to call the attention of the Legislature to the effect the present system is producing upon the great majority of mechanics, and upon mechanical pursuits generally, and have full confidence that a remedy will be devised, and promptly applied for their relief.

Extract from the Memorial of the Mechanics of Rochester.

Your honorable body must be aware, that the mechanics of this State constitute a large and respectable portion of its inhabitants; that most of them have large families dependent upon them for support; and that having spent their prime of life, in acquiring a competent knowledge of their respective occupations, they, as a general rule, understand no other branch of industry: so that if the trades to which they have been respectively bred, are, in any way, destroyed, they and their families are, at once, reduced to beggary and ruin; or if those trades are not entirely destroyed, but are still so greatly injured, as not to yield their accustomed rates of compensation, what but disappointment, discouragement, and consequent ruin must eventually ensue?

It is an injury and impending destruction precisely of this nature, of which your memorialists complain. And a moment's reflection must show to your honorable body, that we do not complain without reason.

The evil results from our being forced into an unnatural competition with the State Prison convicts. The cost of their labor to the State may be reckoned as merely nothing; inasmuch as the expense of buildings, and of their maintenance and government, must, in any event, be incurred. It is therefore manifest, that however low the prices at which the State may choose to dispose of their labor, or of articles manufactured by them, they must still realize a profit. And, even if we reckon the interest or the cost of the buildings, and the support and government of the convicts, a part of the cost of the manufactured articles, still it is plain, that your memorialists cannot successfully compete with the convicts, unless they adopt in all respects the same mode of living; since it is to be presumed theirs is the cheapest possible.

We mean no disrespect to your honorable body; but such is, in truth, the condition to which we are reduced; such the competition with which we are obliged to contend.

And what are our advantages, or rather disadvantages for such a contest? Your honorable body must be aware, that a general uniformity in the price of labor, prevails among mechanics of all denominations throughout the State: and that your memorialists cannot employ good workmen, for less than one dollar per day; and are, for the most part, obliged to pay more: what but inevitable ruin, to ourselves and families, can we then expect, in the prosecution of our business, while the State continues its present course, in relation to the labor of convicts?

A few facts, which we beg leave respectfully to present, will but too fully, and fearfully for us, illustrate this subject. In the summer of the year 1831, a citizen of this place, being about to erect a building, which required a certain quantity of cut stone, found, on inquiry, that the lowest sum for which he could obtain the stone from the stone-cutters of this place was \$775; but he immediately procured the same quantity and quality of stone, from the State Prison at Auburn, delivered in Rochester for \$350.

Here then, the State, for the sum of \$350 paid to itself, took from the pockets of the stone-cutters of Rochester, the sum of \$775.

And your memorialists would also represent, that in the city of New-York, many respectable individuals, who have hitherto employed, with much profit, a great number of men in the stone cutting business, have been nearly prostrated by the various reduction of prices, consequent upon the low rates at which cut stone are furnished at the several State Prisons.

The manufacture of saddle-trees and hames, your memorialists would also state, has been carried on for about nine years past, in this village, by one of your memorialists, who, until about three years since, has manufactured annually about five thousand saddle-trees, and a large number of hames, though at somewhat reduced prices, in consequence of foreign competition. But during that time, prices though low were regular. Now, however, the same articles, manufactured by the State Prison convicts, have so overstocked the market, and are offered at such low prices, that the business of your memorialists has become entirely unprofitable; and he is compelled to yield to the overwhelming competition of men, whose sole compensation for their labor, is the cheapest possible food, and the plainest and *most simple* CLOTHING.

Another fact, showing the ruinous tendency of the low rates at which articles manufactured by these convicts are sold, your memorialists would also state:—

A manufacturer of saddle-trees at Auburn, who employs a large number of the convicts, manufactures an immense number of saddle-trees, which he sends, at low prices, into every part of the State; many also he exchanges in New-York for saddler's hardware, at the usual wholesale prices, which he sells again at Auburn, for precisely the prime cost in New-York. A plain proof, that the article of saddle-trees, though sold at one-half less than the same can be manufactured for here, still produces a large profit to the manufacturer.

Again, many of these Auburn traders send their goods into this and other villages in this region, exchange the same for articles manufactured here, and then sell the article received in exchange, for forty per cent less than the fair market price of the article; thus by the labor of the convicts, producing a twofold injury to the yet unconvicted mechanic.

The same injury is done in the same way to every kind of mechanical business; all suffer alike; the cabinet and chair maker, the tailor, the shoemaker, the saddler, the harness maker, and a hundred others, all feel the paralyzing effects of this destructive convict competition. And the evil results, necessarily and unavoidably, from the low prices charged by the State for the labor of the convicts, and the consequent low rates at which the articles manufactured by them are afforded. If your memorialists are not misinformed, the highest prices charged, per day, for the best workmen, does not exceed forty-four cents; and the average price is thirty-one cents; while your memorialists are obliged to pay, for the same labor, one dollar and twelve and a half cents per day.

Extract from Proceedings of a Public Meeting, held at Arcadia, in Wayne county.

Whereas, the discretionary powers now vested by law in the Inspectors and Agents of our State Prisons, relative to making of contracts for the labor of the convicts confined therein, have heretofore been and still are, exercised by hiring out such labor at prices much lower than free labor can be afforded, and without giving to mechanics generally, a fair chance for competition in the taking of such contracts; thereby enabling the persons with whom such contracts are made, to manufacture and furnish a great variety of articles at much lower rates than they can be afforded by other mechanics.

Extract from Memorial of Mechanics of Geneva.

That your memorialists regard competition in the mechanic arts as beneficial to society, provided it arises from men pursuing the same trades, under ordinary circumstances; but that competition, which arises from these mammoth convict workshops of the State, is disastrous to honest industry, and destructive of the best interests of society, and in our judgment it is not fitting nor proper that our State government should thus authorize the carrying into effect a scheme pregnant with these ruinous consequences; and we should be unmindful of our common interest and of our duty, if we failed to animadvert upon this system, and we do now most solemnly protest against this ruinous policy, this war of the State upon the property and the rights of its honest and industrious citizens, who, performing their duty to the government and laws, have a right to expect its protection in their just rights and privileges.

Extract from Memorial of Mechanics of Ithaca.

That they have for some time past, and still continue to feel, in a growing degree, the injurious, oppressive and demoralizing tendency which the existing State Prison practice, of employing, and bringing into immediate competition the labor of criminals in the manufacture of almost every article of mechanism generally made in the work shops of the various villages and cities of our great and rapidly increasing State, has upon the different and great body of mechanics. The plan now pursued at the prisons, is to put up the labor of each convict at auction, which brings at from 10 to 30 cents each, per day—a price averaging not more than the actual cost of the most prudent mechanic for board alone. By this means the employers of the convicts are enabled to manufacture and sell, at a large profit, all kinds of mechanical ware, at prices much lower than the most industrious and prudent mechanic can possibly manufacture them.

Your memorialists do not object to that honorable competition generally existing between those of the same trade; but in view of what they consider justice to their families and themselves, they cannot longer silently submit to grievances so unequal, and unjust, as those produced by the State in employing their criminals as they do at the present time; which has a direct tendency to compel the honest mechanic to labor for a miserable support—degrade their condition as men—and place them upon the same level in society with the miserable wretches who now fill our prisons.

Extract from Proceedings of a Public Meeting at Auburn.

That the present system of employing the convicts of our State Prisons, and particularly at this place, is an infringement of the rights of the mechanic, prostrating their business, and putting their industry and hard labor upon an equality, and in competition with the felons and convicts in our State Prisons: That it is fostering a monopoly, unjust in its nature, oppressive in its tendency, and destructive in its operation to the interests, and injurious to the character of the mechanics of our village.

Your memorialists would further represent, that by the system of employing convicts in our State Prisons, the whole expense of supporting the State Prisons is drawn from the hard earnings of the industrious mechanic: and that a competition is going on, in which the whole resources of the State are enlisted against the mechanic.

Statement of a Meeting of Mechanics of Auburn.

At a meeting of mechanics and others, of the village of Auburn, held pursuant to previous notice, at the Western Exchange, in said village, on the 6th day of February, 1834, to take into consideration the subject of employing convicts in the State Prisons in mechanical labor, and to co-operate with the mechanics in other places, in effecting a reform in our State Prison discipline, on said subject,—Col. JOHN RICHARDSON, was chosen chairman, and DANIEL HEWSON appointed secretary.

On motion, it was

Resolved, That a committee of five be appointed to draft resolutions and a memorial to the Legislature. Whereupon, Col. John Richardson, Ebenezer Catlin, George R. Bodley, Warren T. Worden and Daniel Hewson, were appointed said committee.

The committee reported to the meeting the following resolution and memorial, which were unanimously adopted.

Resolved, That the present system of disposing of the labor of the convicts at the State Prisons, is, in the opinion of this meeting, wrong in principle and unjust in practice, and is in truth taxing the mechanics for the benefit of the State.

MEMORIAL.

To the Honorable the Legislature of the State of New-York.

The memorial of the undersigned citizens of the village of Auburn, respectfully represents: That the mechanics form a large body of industrious citizens, who perform their duty in the support of our government and laws; and, that the government ought to protect them in their just rights and privileges: that the present system of employing the convicts in our State Prisons, and particularly at this place, is an infringement of the rights of the mechanic, prostrating their business, and putting their industry and hard labor upon an equality, and in competition with the felons and convicts in our State Prisons: that it is fostering a monopoly, unjust in its nature, oppressive in its tendency, and destructive in its operation to the interests, and injurious to the character of the mechanics of our village.

Your memorialists would further represent, that by the system of employing convicts in our State Prisons, the whole expense of supporting the State Prisons is drawn from the hard earnings of the industrious mechanic; and that a competition is going on, in which the whole resources of the State are enlisted against the mechanic.

Your memorialists, therefore, would respectfully, but at the same time, earnestly solicit, that such laws may be passed during the present session of the Legislature, as will cause a change to take place in the management of the prisons; and that the convicts may be employed in some way, as the Legislature may see fit, but not in such way as to compete with the honest mechanic.

Your memorialists would therefore earnestly, but at the same time respectfully, urge your honorable body to take the subject of the above grievances into immediate consideration, and adopt such laws in relation to the same, as your honorable body shall think proper.

At an adjourned meeting of mechanics and others of the village of Auburn, held at the Western Exchange, on the 27th day of Feb. pursuant to public notice, the committee who were selected at a previous meeting to inquire into, and make a report on the grievances, of which complaint is made, in relation to mechanical labor done in the State Prison at this place, the committee submitted the following statement:

That there is a system of favoritism carried on in relation to letting contracts, unjust in principle, and oppressive in its nature, by which a few favored ones are enabled to grow rich, to the injury, and in some cases, to the ruin of other mechanics, who are equally entitled to the same privileges with themselves; that contracts for mechanical labor have been let years before the former contracts had expired, without its being known to the public that such contracts were to let, and that the State has lost a large amount by such a

course. We are aware that the law authorizes the Agent to make contracts for the labor of the convicts to the best advantage he can, which are subject to the approval of the Inspectors. And it is of that law we complain. We, as free citizens of the State, claim to be entitled to equal privileges, so long as we bear our equal portion of the public burthen. And if the Legislature should, in their wisdom, deem it inexpedient to listen favorably to our petitions, and still continue mechanical labor in the prisons, we protest against the manner in which contracts are let by the Agent and Inspectors, who are, by the present law, enabled to reward their friends, at the expense of all other mechanics, and of the State.

We do not deem it necessary to go into particular details respecting all the different contracts; we will only mention the facts relating to a few of them, and leave the public to judge whether there is any just cause of complaint or not.

The tailoring business first claims our attention. This contract has been in the hands of the same individual ever since it was first let, which is about ten years ago; it has lately been renewed one year before the former contract would have expired. And we are authorised to say, that five thousand dollars more might have been obtained for it, from other gentlemen equally as responsible, and equally as capable of conducting the business, if it had been known that such contract was to let.

We would next advert to the shoemaking business. This contract was let in 1821, and has been in the hands of the first contractors ever since that time; it has been renewed three times, and each time one or two years before the expiration of former contracts.

The cabinet and chair making business has also remained in the hands of the first contractors, and they have in a great measure, monopolized the whole business in this section of country; compelling others of the same trade to sell out to them, and quit the business, not being able to compete with a monopoly created and carried on under the patronage of the State.

The tool making business has also remained in the same hands of the first contractors, and how often it has been renewed we are not able to say.

The coopering business is also carried on very extensively, and is a complete monopoly, as there is not a cooper shop in this village outside the prison walls.

Other contracts have been let in a similar manner, of which it is unnecessary to speak at this time.

Here we wish to be understood that we do not attach any blame or improper motives to the gentlemen who hold those contracts; on the contrary, we consider them perfectly justifiable in obtaining the best terms they can for the labor of convicts so long as they do not violate the law by which such contracts are authorized to be made; but we complain of the inequality of that law, whereby a contractor may, by keeping in favor of the Agent and Inspectors, renew his contract secretly, and thereby be enabled, by getting the convicts labor for almost nothing, to sell lower than other mechan-

ics can possibly afford, depriving journeymen mechanics who have served regular apprenticeships, from obtaining an honest living by their trades, and driving them out of the country.

We ask a candid public, is it right that the evils of which we complain should exist? Is it right that a few wealthy capitalists should monopolize the whole mechanical business of the country, and keep contracts in their hands as long as they please, to the exclusion of others, who would pay a much higher price for the same privileges? We leave the questions to be answered by the people and their representatives, hoping that a remedy will be provided by the Legislature as soon as practicable.

GEORGE R. BODLEY,
JAMES R. BABCOCK,
SOLOMON C. DUNNING,
EBENEZER CATLIN,
CYRUS UNDERWOOD,
DANIEL HEWSON.

Extract from Memorial of Mechanics of Troy.

That the present system of State Prison labor, operates unequally upon the citizens of this State, and bears with peculiar force and hardship upon that portion, whose business has been adopted for the employment of the convicts of the State, imposing thereby heavy burthens upon that class of our fellow-citizens, from which all others are exempt, and hence violates that equality guaranteed to every citizen under the constitution.

It is unjust that we should be subjected to the burden of a system of unequal taxation, which, while it exempts the largest part of the people from contributing to the expense of punishing rogues and felons, carries discouragement and penury, into the abodes of industry, and sweeps their fair prospects with the besom of destruction. Such, however, is the effect of the present prison system.

We therefore ask of your honorable bodies such a revision of the system, as shall relieve us, and the community in general, from the evils of which we complain.

Extract from Memorial of Mechanics of Albany.

Your memorialists believe it will be readily admitted, that however desirable it may be to reform convicts by means of labor and imprisonment, and by such privations as may conduce to the same end, yet if those measures produce a greater evil among those of the working classes who enjoy the liberty and are protected by the laws of the State, who are honest and industrious, and many of them maintaining large families, that the patronage of the State ought emphatically to be extended rather to the honest and industrious, than to the depraved and the criminal.

[Assem. No. 352.]

Extract from the Memorial of Comb manufacturers of Albany.

SCHEDULE B.

Statement of prices and time of making 100 dozen large combs in the city of Albany, (no water power,) and at Auburn, (with water power.)

	Albany price.	Time.	Prison price.	Time.
For scraping and cutting up stock for 100 doz. combs,	\$2 00	in 2 days	\$0 75	in 3 days.
" pressing stock for 100 doz. combs,	3 00	2 days	0 75	3 days.
" marking and squaring stock for 100 doz. combs,	2 00	2 days	0 50	2 days.
" making 100 doz. combs,	30 00	25 days	8 00	32 days.
" rubbing teeth on buff, 100 doz. teeth,	3 00	3 days	0 25	1 day.*
" rubbing backs by hand, 100 doz. backs,	3 00	3 days	1 00	4 days.
" staining and braziling, 100 doz. combs,	6 00	5 days	2 00	8 days.
" polishing teeth by buff, 100 doz. teeth,	3 00	2½ days	0 25	1 day.*
" polishing backs by hand, 100 doz. backs,	3 00	2½ days	1 00	4 days.
" bending 100 doz. combs,	3 00	2 days	1 00	4 days.
Total for making 100 doz. large combs,	\$58 00	in 50 days	\$15 50	in 62 days.

* Water power.

Memorial of Delegates of General Trades Union, of city and county of New-York.

To the honorable the Legislature of the State of New-York, in Senate and Assembly convened: The memorial of the undersigned delegates to the general trades union, of the city and county of New-York and its vicinity, respectfully represents:

That your memorialists represent the several societies and associations of artists and mechanics in this city and its vicinity: and that they have recently taken measures to ascertain how far the practice of introducing mechanical branches of business in the State Prisons, affect their respective interests and welfare: and that, from all the information they have been enabled to collect on the subject, are fully persuaded, that the practice of instructing and employing State convicts in the mechanic arts, is not only destructive of the pecuniary interests of the citizen mechanic, but is also calculated to demoralize and degrade him.

Your memorialists do not deem it necessary, at this time, to detail all the facts and circumstances which have led them to the above conclusion. Neither do they consider it necessary to discuss in a memorial, the abstract question of State Prison discipline. They conceive it to be sufficient to state, in general terms, that in numerous instances, articles manufactured by felons at Auburn and Sing-Sing are daily vended in this market, at from twenty to thirty per cent less than articles of the same style and quality can be afforded by the honest mechanic. It follows, therefore, that the avocation of the honest citizen, by reason of this odious and unjust monopoly, is rendered useless, and of no avail to him; and that his business must eventually be prostrated, his hopes blasted, his energies paralyzed, and himself and family impoverished and degraded.

Your memorialists conceive it to be both an injury and an insult to the honest mechanic to be made a competitor with felons and convicts, in a business, to acquire a knowledge of which he has not only devoted many years of his life but the best energies of his mind. They also conceive that the policy of the State, in subjecting the honest mechanic to such injury and degradation, is calculated to estrange him from its institutions and cause him to disregard its laws. This policy, therefore, of which your memorialists complain, is *impolitic*, as well as oppressive and unjust.

Your memorialists, therefore, respectfully but earnestly, solicit your honorable bodies to adopt such measures as will remedy the evils of which they complain.

New-York, February 26, 1864.

Memorial of the Coopers of the city of New-York and Brooklyn.

The memorial of the coopers of the city of New-York and Brooklyn, respectfully represents,

That the employment of convicts in great numbers, in the Mount-Pleasant State Prison, in the manufacture of casks, to be

introduced into the city of New-York and its vicinity, for sale, is an evil of such magnitude, and one which so directly affects the interests of your memorialists, as in their opinion to require the interference of your honorable body.

In the month of May last, your memorialists having learned that this business had been introduced into the above institution, and fearing that it might be carried to such an extent as to prove highly detrimental to their interests, met, and appointed a committee to confer on this subject, with the Commissioners, and Agent of the prison; in the course of the conference which that committee had with the Agent, he was informed that the whole number of persons engaged in working at the business of coopering, in the city of New-York, did not much exceed two hundred. At that time, according to the statements of the Agent, there were something short of one hundred convicts employed in the coopers shop and yard. And the Agent gave the committee the strongest assurances that the number should not be increased. Soon after this, the same committee had an interview with one of the Commissioners of the same prison, in the course of which, assurances of the strongest kind were given to the same effect.

Notwithstanding these assurances, the number of convicts so employed, has been constantly increasing, until it has become greater than that of all the coopers in the city of New-York; and in a more recent conversation with one of the Commissioners, by a committee of your memorialists, that gentleman stated to them, that the Commissioners and Agent were bound to give such a direction to the labor of the convicts as would ensure the largest profit to the State; and as the labor of convicts employed at coopering, yielded more profit than that of those employed at other branches, no relief could be expected from them; and the committee were advised to apply to the Legislature, as the only source from which relief could come.

Your memorialists deem it unnecessary to enter into any argument, to show the impossibility on their part, of sustaining a competition under these circumstances, with the person who contracts for the labor of these convict coopers. But they respectfully submit to your honorable body, whether this, or any public institution ought to be permitted, by means of private or individual cupidity, to become an engine of oppression and ruin to any class of citizens engaged in a lawful occupation.

MECHANICS' MEETING,

Extract from the proceedings of a meeting of the mechanics of the village of Elmira, in the county of Tioga, February 1, 1834.

At a general meeting of the mechanics of the village of Elmira, held at the Mechanics' Hall, according to previous notice, on the 1st of February, 1834, to take into consideration the present ruinous and disgraceful practice of employing convicts in the State

Prisons, in mechanic arts, to the manifest injury of the honest and industrious mechanic—Francis Collingwood was unanimously chosen president, Maj. Charles Orwan, vice-president, and Arch'd Heggie and Levi J. Cooley, secretaries.

On motion, it was

Resolved, That a committee of five be appointed to prepare suitable resolutions to be submitted to this meeting; and the chair announced the following, viz: Levi J. Cooley, Wm. R. Judson, Francis Smith, Ransom Birdsall, and Niram Abbot.

The committee retired, and after due consideration, made the following report, which was unanimously adopted:

Whereas, by our Federal Constitution, all men are declared to be born free and equal, and endowed with certain unalienable rights, amongst which are life, liberty, and the pursuit of happiness, it is our prerogative, as citizens, to be placed on a par with others, both in respect to the facility of our access to the means of obtaining the perpetuity of those blessings, and of enjoying them; and the present system of employing State convicts in the mechanic arts deprives us of this equality and the means not only of pursuing happiness, but of the comforts and necessities of life—therefore,

Resolved, That we will cordially co-operate with our fellow mechanics throughout the State, in using all honorable means within our power to break up the system of employing State prisoners in the mechanic arts.

Resolved, That the system is impolitic in general, unjust in principle, partial in its operation, and ruinous to the mechanic in its consequences.

Resolved, That the system is calculated to invite to the commission of crime, by the prospect of a comfortable support in prison, and a skilful knowledge of business for future life when set free.

Resolved, That the present policy of training up mechanics under the fostering care of the State, hereafter in all human probability, to superintend the instruction of the future generations, is, in effect, to introduce corruption and immorality through our boasted land of morality and patriotism, and will in time work utter ruin to the bulwark of our State.

Resolved, That the earnings of the convicts, as employed in their support, and as added to the coffers of the State, are so much taken directly or indirectly from mechanics who are least able to bear so great a burthen.

Resolved, That the present system is calculated to introduce articles of prison manufacture into exclusive use—to drive honest mechanics beyond the reach of its poisonous breath, and compel the agriculturist and merchant to depend upon State Prisons for implements of husbandry and merchandize.

Resolutions passed at a meeting of the Master Coopers of New-York and Brooklyn, held at Union Hall, on the 12th December, 1833.

The following resolutions were passed at a meeting of the master coopers of this city and Brooklyn, held at Union Hall, on the

12th December. In now publishing them for the information of those concerned, it is deemed proper to accompany them with a candid exposition of the views which have governed the master coopers in adopting these measures.

The subject of prison labor, with its necessary consequence, the subjection of honest and free citizens in the prosecution of certain lawful callings, to the injurious competition of malefactors, has been much discussed. Though different opinions have been expressed as to the necessity of the evil, it has not been denied, so far as we are aware, that it is an evil, and one which has a very pernicious influence on the members of those mechanic vocations which are selected for the employment of convicts. This must be plainly apparent to any one who views the subject with the least attention and candor.

Here is an institution, under the control of the State, in which a great number of men are confined, the maintenance of whom is necessarily attended with a certain expense. To employ their labor in such a way as to reimburse, in whole or in part, the cost of their support, is considered a matter of obvious policy. To whatever branch of mechanic art their efforts are directed, it must be evident that the product of their labor takes away so much from the business of free and honest citizens pursuing the same calling. Where the consumption of the articles manufactured is extensive, the effect of this competition may not be very great; where the demand is limited, it becomes ruinous to the free mechanic. In proportion as the supply exceeds the demand prices fall, until they soon reach that point below which they cannot go without invading the amount absolutely necessary for subsistence. Here competition on the part of the citizen mechanic ends; but the State institution is able to go still lower, because the prisoners, collectively, are clad and fed much more economically than it is possible for a free citizen mechanic to be; because no expense is incurred for the maintenance of wives or children, and they are liable to no tax or any of those charges, save only the cheapest food and raiment, which contribute to swell the amount necessary for the subsistence of every free mechanic. It is not indispensable either, that even the actual expense of the institution should be defrayed out of the returns of prison labor, the object being to diminish that amount as far as practicable with the proceeds. It hence follows, that, as regards price, there is no limit to the competition which the prison is able to enter into with the free mechanic, except only that of the actual cost of the articles it manufactures.

This is a general view of the subject; but the coopers of New-York have particular cause of complaint. They bore the evils of this competition for a long time patiently and in silence; nor indeed did they adopt the present measures to throw off the burden until it became too heavy to endure. Whatever may be their own opinion of the necessity or the soundness of the policy, of putting prison labor in competition with that of free citizen mechanics, they made no objection to the course pursued by the State, until their business was interfered with in a very undue degree, and in-

deed until contracts were talked of, which, if carried into effect, would deprive almost every journeyman cooper in this city of his bread. The whole number of journeyman coopers in New-York and Brooklyn is estimated at about two hundred. The injurious effect upon their interests of the competition of convict coopers was so sensibly felt, that last spring a committee of coopers was appointed to visit the Sing-Sing prison, communicate with the Commissioners and Agent, ascertain their views, and make some arrangement by which their branch of business might be protected from the overwhelming competition which was threatened. After a fair and full discussion of the subject, they contented themselves with laying a request before those functionaries, that the number of convicts then employed as coopers should not be increased; a request the reasonableness of which was freely acknowledged by the Commissioners. It has not, however, been complied with; but on the contrary the number has since been greatly increased, and is at this moment nearly equal to that of all the citizens of New-York and Brooklyn engaged in that occupation.

The hardship of this species of rivalry requires no illustration. In a trade, the business of which is so limited, the effect of such competition must be obvious to every apprehension. The honest mechanic, who has spent years in acquiring a knowledge of his art, is suddenly deprived of its benefits, and reduced to indigence, in order that an institution may be supported in which he has no interest that is not common to the whole community. The prison is maintained for the benefit of society at large; upon what principle of justice, then, is the fund for its support derived from a system which casts all the burden on a few mechanic branches.

If it is absolutely necessary that the labor of the prisoners should be turned to account, common justice would seem to require that such callings should be selected for their employment as would compete least injuriously with the business of free mechanics; and that the system once adopted—the distribution once made—they should be subject to no capricious change or innovations. In that case the free mechanics who should find themselves injured, would gradually accommodate themselves to the state of things; a part of them would seek other employments, and the rest, able to compute the amount of competition they were to encounter, would regulate themselves accordingly. But the coopers have to complain that a settled policy of this kind is not adopted at the Sing-Sing prison. They have already shown that in a period of little more than six months, the number of convicts employed in their trade has been increased a hundred per cent, and they have no sort of assurance that in another half year, a further augmentation may not take place, to such a degree as to destroy their trade entirely. They have reason to believe, on the contrary, that the agents of the prison have entered, or are about to enter, into a contract, with a cooper who carries on a large business in the northern part of the State, which will enable him to supply the whole demand of the New-York market, with casks of prison manufacture, and at rates with which it would be madness for them

to compete. If by a measure of this sort, they are driven from their business, and obliged to seek some other pursuit, they can have no security that the variable policy of those who control the Sing-Sing prison, may not again place that institution against them, and enable a band of malefactors to snatch the bread from the mouth of the honest and industrious mechanic.

The coopers of New-York are ready to encounter the natural vicissitudes and fluctuations of trade. They are willing to meet the competition of free labor, come from what quarter it may; and they are even ready to meet the competition of convicts, if employed against them by other States. But when their own State becomes their rival in the market; when it erects for its exclusive use a huge labor-saving machine, (for it is in this light that a prison-manufactory must be viewed); when it offers its wares for less than the citizen mechanic can make them and live; when he is obliged, in consequence, to abandon his trade—to seek in vain, perhaps, for employment in another—to see his wife and children pine for support—when his own State thus turns against him, and weighs him down with its resistless power, he feels it is his right to complain of the oppression, and his duty to oppose it.

The coopers of New-York and Brooklyn, in adopting the following resolutions, have been moved by considerations of this kind, and they trust public sentiment will sustain them in their measure of self-defence.

Resolved, That during the period of one year from this date, we will not be concerned, directly or indirectly, in the purchase or sale of any casks made by convict labor—we will not in any way aid in procuring sales or purchases of such casks—but will, on the contrary, by all fair and honorable means, discourage the use and discountenance the purchase of them.

And further Resolved, That during the above period we will not cooper, or procure to be coopered, or put in order for sale, shipment, or use, any such casks while new, that, is previous to their being filled for use or sale—nor when filled and while in the hands of the filler, if filled in either of the counties of New-York, Kings or Queens.

New-York, December 12, 1833.

Letter from the Locksmiths of the city of New-York, to the Hon. Charles Humphrey.

TO HON. CHARLES HUMPHREY, Chairman of committee, &c.

The subscribers, lockmakers in the city of New-York, respectfully state, for the information of the Legislature, that their manufactory of locks, in the city of New-York, gives employment to twenty-seven journeymen, and thirty-two apprentices; that the locks produced in their establishment are not surpassed in skill or execution by any other in the Union; that the pattern locks used in the State Prison workshops were purchased from their warehouse in New-York, and by reason of the manufacture of them in

the State Prison, the subscribers have been obliged to reduce the number of operative journeymen in their establishment *one-third*, and to relinquish a large number of their apprentices.

The subscribers beg leave to add, that the same result has befallen all who are engaged in this branch of industry within the city of New-York. There are sixty journeymen and master workmen engaged in this business here, and in the improved state of machinery and mechanics, this number is amply sufficient to construct all the locks necessary for this State; and it is to be observed of the locksmiths' trade, that the fewer the men employed in its operations, the less is the danger of trespass and burglary by false keys and master keys.

The subscribers would add this in connection, that the art of locksmithing was limited, within the recollection of most men, to the *simplest* construction of locks; that the necessity of more complex and scientific mechanism, was produced by the increase and diffusion of knowledge and skill in this art, so that it has become necessary to interpose between the key and the bolts or latches of locks, many nicely adjusted parts, which must be moved *consecutively*, and cannot be moved at *all*, if ever so slightly deranged. But of what *use*, and what *security* is gained by these advances beyond the skill and art of badly disposed and criminal minds, if the *State* itself, assumes to instruct criminals in the art of manufacturing the best locks, of the most approved and difficult mechanism, and after their instruction, turns them at large upon the people.

The subscribers refrain from the general objections to the employment of convicts, to the prejudice of honest artizans, and put their case of grievance upon the broad ground of the manifest impolicy and imprudence of instructing criminals in the art of lock-making; an art, which provides security for property and persons, only by its progressive and continual advance beyond the intelligence and skill of thieves, robbers and burglars; the instructions at the State Prison will put these criminals in advance of honest locksmiths, whose chief usefulness consists in the prevention and anticipation of robbery.

Yours,

DAY, NEWELL & DAY.

Letter from Austin Baldwin, on the subject of Tool Making in the State Prison, at Auburn.

Messrs. JOSEPH TUCKER & T. CONSTANTINE,

Gent. Sirs—That you may be armed with facts as well as arguments concerning the effect of the "prison monopoly" upon the various mechanical branches, I would beg leave to state the following: Mr. McMasters is carrying on the business of tool making now in the Auburn prison, to a great extent. I have understood that he works 75,000 feet of timber up in one year; his prices averaging about 12½ per cent less than mine; and were it not for the superiority of the finer articles in our business, which I manufac-

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ture, I should be thrown out of market. As it is, however, it is of great injury, as he is enabled to supply the large southern orders, which is the best of our business. I will mention one instance: Mr. Palmer, of the firm of Palmer, Elliot & Co., offered me the largest order I ever saw for our article, if I would take it at the prison prices. As it was a dull time, I took it home and examined it, and found that if I took it, I would be worse off when it was done than when it was begun. I therefore was obliged to decline it, and let it go to the convicts. In order to compete with them at all, I have been obliged to reduce my wages from 18 to 15 per cent. I could state more but have no time.

Yours, &c.

AUSTIN BALDWIN.

*Memorial of the Marble Manufacturers of the City of New-York,
on the subject of State Prison competition.*

New-York, March 25, 1834.

DEAR SIR—The Marble Manufacturers' Society have been favored with the perusal of your letter to Mr. Taylor, on the subject of the prison monopoly, and have directed me, as the secretary of the society, to state to you their views in relation to the effect of the prison labor on their business.

In the first place I would observe, that our business is confined to the ornamental and highly finished kinds of marble work, such as marble mantels, cabinet work, sculpture, &c.; and that as that kind of work has been but recently introduced in the prisons, and none or next to none as yet been brought to market, we can only speak of the ruin we believe would be wrought in our business by the competition with the State, and you will of course perceive, relates, not so much to any thing that has been done, as to those evils which are vehemently anticipated, will be the result of such competition. There are in this city twenty different establishments, of greater or less extent, where this branch of marble work is carried on, and employment is given to about five hundred men: the competition among ourselves, and the importation of wrought marble from Italy, has caused the prices to become so reduced that the business scarcely gives sufficient profit to support the employer, even when managed with the greatest economy. If the manufacture is introduced into the prisons, the Society fully believe that its consequence will prove the total destruction of their business. In the present depressed state of trade of all kinds, they can barely support themselves under the pressure of the times; and if in addition they are to compete with felons and malefactors, at 30 cents a day, they must be driven from the business, their large capital now invested lost, their hard working and industrious journeymen and laborers left to starve, or subsist on the public charity; or perchance be driven by their desperate and forlorn condition, to commit acts that may add them to the list of prison journeymen. This is no exaggerated statement; and when

we picture to ourselves the wretched wives and children thus left a prey to penury and want, it is difficult for us to use respectful and proper language, as to the policy pursued by our State in regard to this accursed monopoly.

Our delegate, Francis Kain, who visited Albany this winter with our memorial, and who was examined by your committee, we trust made such statements as must have convinced the committee of the truth of what we assert. We believe there is no trade which prison competition would so completely destroy as our own! The agent, Mr. Wiltse, of the prison, had the hardihood to avow to the committee, in the presence of Mr. Kain, that they had ordered a large shipment of marble, and were preparing to go into the manufacture extensively. We implore of the Legislature, to nip this thing in the bud, before any expense in making such extensive arrangements is made; we entreat speedy and efficient action, that the manufacture of marble mantels and ornamental marble work may be prohibited from being introduced into the prisons.

Signed in and by order of the Society.

JOHN H. FERRIS, *Sec'y.*

To CHARLES HUMPHREY, Esq.,

Chairman of the Committee on Prisons.

Copy of a Letter from the Silver Platers of New-York.

NEW-YORK, March 25th, 1884.

SIR:

By the report of the Agents of the State Prisons, we observe that there are employed in the branch of business that we are engaged in, which is that of silver platers and general coach trimming and harness manufacturers, fifty convicts at Auburn and forty at Sing-Sing, in the manufacture of the same articles that we are engaged in, at the low price of thirty cents per day, or something near that amount.

Now sir, if these ninety convicts are employed at the above prices, it will be morally impossible for us to compete with them. There being at the present time in this city about twenty journeymen, which is at a ratio of about five convicts to one journeymen; you will see at a very slight view, the bearing that it has, and we believe that you will unhesitatingly say that it will be entirely out of the question for us to come in competition with the same articles which are manufactured in the prison, when we have to pay our journeymen on an average of \$1.50 per day. The articles that have been manufactured by the prisoners, and brought into this market for sale, at present are but few; but as few as they are, it is very sensibly felt by the the journeymen and employers, and it has, or nearly so, put a stop to our manufacturing the same articles, owing to the very low rate at which they are sold.

We have been informed that the persons contracting with the Agents of the prisons contemplate, as soon as they can learn the

prisoners, to go extensively into the above business. If this is the fact, which we have no doubt but that it is, in a very short time we shall have either to give up our business, or do that which will be far worse, admit felons into our shops. We would then ask you, as a parent, would you be willing to bind your children to a master employer, who would, without the least remorse, put your children in contact, and even at the same bench! to be taught by the very felon himself, the trade you wish them to learn? We think that you would not. And this is the objection that is now daily made by those parents who have children put to trades. They say we are fearful to put our children to your trade, for we fear that they will come in contact with those who have learnt their trades in the State Prisons, for we know that your business is carried on in those places. And this sir, will be the result that will follow, unless your honorable body can devise some means of relieving us from such an unjust and unrighteous monopoly, by giving the convicts some other employment that will not interfere with any branch of business that is now carried on by mechanics in this State.

There are now in our employ about twenty journeymen, the greater part are men with families, and are entirely dependant on their labor for their and their families support, which if this system is persisted in, they will have to resort to some other means for their maintenance, and God only knows what those means will be, for it is hard learning men other trades than what they have been accustomed to, when they arrive at middle age. Possibly the effect it may have in throwing these men and their families out of their regular employ, will be to make them, or some of them, tenants of the very workshops which we are soliciting you, as chairman of the special committee, to abolish.

We, sir, to conclude, respectfully and earnestly request that you and your honorable committee to take our just complaints into your candid consideration, and give us that representation in your report to the honorable body of which you are a member, such permanent relief as you in your and their wisdom may deem just and proper. In behalf of those engaged in the plating business.

I am, sir, very respectfully,

Your serv't,

ANSON BAKER.

CHARLES HUMPHREY, Esq., chairman of the
special committee on State Prison monopoly, Albany.

Copy of a Letter from the Coopers of New-York.

NEW-YORK, 26th March, 1834.

Honorable CHARLES HUMPHREY,
SIR:

The following statement relative to the bearing of the State Prison monopoly upon the interests of the coopers in the city of New-York, has been prepared at the request of the execu-

tive committee appointed by the mechanics of this city, and is transmitted for the information of the special committee of the Honorable the House of Assembly, of which you are chairman.

There are in this city about *fifty* coopers' shops; about *thirty* of these employ, as nearly as can be estimated, *two-thirds of the time* in making casks, which is the sole dependence of the remaining twenty shops.

There are also a number of distilleries and other manufacturing establishments, which have cooper shops of their own, in which from *two* to *eight* journeymen have been employed in making casks for the use of those establishments. In a number of instances since the introduction of State Prison made casks into our city, the men so employed have been discharged, the proprietors of the establishments in question finding they could be supplied with prison made casks cheaper than they could make them.

The whole number of journeymen coopers in this city is, as nearly as can be ascertained, 194; less than that of the convict coopers in the Sing-Sing prison, according to the last annual report.

And while many of our regular journeymen having families dependant on them, are unable to obtain employment at their business, we have heard it stated on the authority of Mr. Chichester's agent in this city, that his sales of casks, including a few shooks, have amounted since October last, to a little short of eighteen thousand dollars.

Subjoined is a table of the journeymen's prices for making casks of several descriptions, embracing some of the leading articles of the trade in this city, and which are also made in the prison.

The journeymen's prices are at the rate of one dollar and twenty-five cents per day. The actual cost to us of the materials and workmanship of those casks, exclusive of shop rent, and wear of tools and truss hoops, is set down in connection with the prices at which casks of the same description are sold in this city by the contractor's agent, from which it will be perceived that the continuance of the present system must be ruinous to us, inasmuch as the casks made in the prison are sold here at prices less than the actual cost to us.

In the hope that you will be able to devise some adequate remedy for so great an evil,

We are, sir, your ob't serv'ts, and fellow-citizens.

HUGH AIKMAN,
JOHN WAYDELL,
DAVID KEY,
FRANCIS O. BRUCE.

	Journeyman's price for making in New-York.	Contract price for making in State Prison.	Cost of workmanship and materials in New-York.	Contractor's price in New-York for State Prison casks.
Iron bound rum hhds.,	\$1 25	\$0 62½	\$4 00	\$3 35
Quarter bound rum hhds.,	1 25	0 70	3 44	3 25
Wooden bound rum hhds.,	1 25	0 70	3 10	3 00
Corn meal hhds.,	1 00	0 65	2 75	2 62½
Large rum barrel,	0 75	0 31½	1 37½	1 25
Spirits turpentine barrel,	0 75	0 31½	1 62½	1 56
Provision barrel,	0 62½	0 25	1 12½	0 88
Nest casks, 3 in each nest,	2 50	1 50	6 25	5 50

Communication of Richard Riker, relative to the State Prison monopoly.

New-York, 27th March, 1834.

GENTLEMEN—It is not in my power to reply to your several questions at as early a period as you could have wished. A press of official duties prevents it. I answer a part of them.

To your first question, to wit: "What portion of offenders sentenced to the Penitentiary or to the State Prison, as far as your experience enables you to say, reform?"

Answer. I regret to say, very few. My opinion is, as far as my experience enables me to give an opinion, that there are not more than *two* out of an *hundred* of well attested instances of durable reform.

To your second question, to wit: "What portion of offenders sentenced to the Penitentiary or to the State Prison, are again tried for a second offence?"

Answer. This question cannot, without much examination, be answered with accuracy. I can at present only say, that at every court of the general and special sessions held in our city, with few exceptions, several old offenders who have been before sent to our Penitentiary or State Prison, or to the State Prison of some other State, are again tried and convicted.

To your third question, to wit: "Can the present Penitentiary and State Prison system be improved?"

Answer. It can: on this subject there is no doubt. The manner and details may be given so as to convince every judicious man.

To your fourth question, to wit: "Can the Penitentiary and State Prison system be so improved as to protect the virtuous and

industrious mechanic and artizan, against its influence and monopoly; and above all, against bringing felons in competition with good, dutiful and upright citizens?

Answer. This question is perhaps one which ought to be addressed to the Legislature rather than to judges. My opinion is, that means can be adopted to mitigate the evil, and that means ought to be adopted to remove the evil altogether. The virtuous citizen should not, in any event, be reduced to the necessity of competing with a criminal. The law must be unjust that leads to such results.

These and the other subjects of inquiry, I will, gentlemen, if you require it, answer at a future time, fully and in detail.

I have the honor to be, gentlemen,

Your obedient servant,

R. RIKER.

Mr. AUSTIN BALDWIN, and the
other gentlemen of the committee.

Letter to the Honorable Charles Humphrey, from New-York, relative to the Manufacture of Silk Hats, in the State Prison at Sing-Sing.

Having been requested to state facts respecting the injury the silk hat business has received, by its introduction in the State Prison, we proceed to do so.

The number of journeymen in this business in New-York, is from thirty to forty; the number of convicts employed at Sing-Sing is eighteen; and as there are no silk hatters in this State, to our knowledge, except those in New-York, there are employed in the prison nearly half as many prisoners as there are journeymen out of the prison.

The prisoners are contracted for at 30 cents per day; and to shew the disadvantages labored under by the manufacturers from the competition of the prison, we will here state, that the contractor offered to supply one of the subscribers, in case he would discharge his men and have his work done by the contractor in the State Prison, he (the contractor,) would do it for sixty dollars per week less than was paid to honest men for the same amount of work. The contractor was enabled to offer this upon the labor of 10 men, and make to himself a good profit, inasmuch as he was to pay only 30 cents per day, whereas the journeymen when fully employed will make two dollars and fifty cents, making a difference in favor of the contractor, over the fair manufacturer, of two dollars and twenty cents per man, per day; from these advantages the contractor is enabled, and has offered his manufacture for less than a fair price, from which we have been induced to lower the price of our articles, to meet him as near as possible in price, that we might dispose of our hats. And further, that the immoral tendency of this system is viewed by us as a degradation to mechan-

ica, which is calculated to lower them in the estimation of all below the level they ought and have heretofore sustained in society.

Very respectfully yours,

THOS. SIMMS, & Co.
WEST & SCHOLEY,
CALDERS, RUSSELL & Co.
H. COSTAR,
D. BEDFORD.

TO CHARLES HUMPHREY, Esq.

Chairman of the select committee.

New-York, March 25th, 1834.

IN ASSEMBLY,
March 31, 1834.

REPORT

Of the committee on claims, on the petition of Stillman Foot.

Mr. Ingalls, from the committee on claims, to which was referred the petition of Stillman Foot.

REPORTED:

That they have had the claim under consideration, and for the facts beg leave to refer to the report of a select committee appointed by the Assembly in the session of 1828: the report will be found in the Assembly Documents of that year, No. 77; and ask leave to bring in a bill for the relief of the petitioner.

IN ASSEMBLY,

March 29, 1834.

AMENDED REPORT

**Of A. Wilson, an Inspector of Beef and Pork in the
city of New-York.**

To the Honorable the Legislature of the State of New-York.

I beg leave to report for your information, that I have inspected in this city from the first of January, 1833, to thirty-first December, 1833, the undermentioned provisions, viz:

2,847	barrels	mess	salted	beef.	
2,257	"	prime	salted	beef.	
9	"	cargo	salted	beef.	
84	"	unbrandable	salted	beef.	
12	half	barrels	mess	salted	beef.
2,012	barrels	mess	salted	pork.	
2,125	"	prime	salted	pork.	
49	"	cargo	salted	pork.	
1,180	"	unbrandable	salted	pork.	
2	half	barrels	unbrandable	salted	pork.
1	"	mess	salted	pork.	
50	"	prime	salted	pork.	

Probable amount of beef inspected,... \$39,513 00

Probable amount of pork inspected,... 65,009 00

Amount of fees received,..... 1,590 85

A. WILSON,
Inspector of Beef and Pork.

New-York, 26th March, 1834.

[Assem. No. 355.]

IN ASSEMBLY,
March 27, 1834.

REPORT

Of the select committee on the petition of the supervisors of the county of Schenectady.

Mr. Schermerhorn, from the select committee to which was referred the petition of the supervisors of the county of Schenectady, praying for the passage of an act authorising them to raise two thousand dollars by tax,

REPORTED:

That a law was passed on the 25th of April, 1831, authorising the supervisors to sell the then court-house and jail of the county; the said court-house and jail were sold for the sum of ten thousand dollars, which sum has been applied to the purchase of a site for, and the erection of a new court-house. That the said new court-house is now finished, and the cost thereof has so far exceeded the said sum of ten thousand dollars, that the supervisors are obliged to raise by tax the sum of two thousand dollars to fulfil their contracts.

IN ASSEMBLY,

March 29, 1834.

REMONSTRANCE

Of citizens of the city of Albany, against the passage of a law altering the time of electing charter officers of said city.

To the Legislature of the State of New-York, in Senate and Assembly convened.

The undersigned, residents and electors of the city of Albany, would respectfully represent: That they have understood that a majority of the members of the common council of the said city have presented to your honorable body a memorial praying a law to be passed, changing the time of electing charter officers, from that already established by law, which is in the month of September in each year, to the month of May in each year hereafter; and also authorizing the present aldermen and assistant aldermen to hold over and continue in office as such aldermen and assistants from October now next, at which time their term of office, by the charter of the city would expire, until May one thousand eight hundred and thirty-five. It is not necessary to discuss the motive that dictated this application to the Legislature, nor the necessity of the applicants being continued in office beyond the time for which they were elected. Your memorialists do therefore most solemnly protest against the passage of any law enabling the applicants to hold over or continue in the discharge of the duties of aldermen and assistant aldermen of the city of Albany, beyond the period for which they were elected. The time when, and the period for which the aldermen and assistant aldermen of the city of Albany are to be elected, are prescribed by the charter of the city and sanctioned by the laws of the State. And one of the most essential provisions is, that the aldermen and assistants are to be elected, and that too, by the electors of the city. And your me-

memorialists are at a loss to know what other power has authority to appoint the aldermen and assistants for the city and thereby defeat the electors of the right thus secured to them by the charter of their city and the laws of their State. If this can be done for the term of six months, why not for six years? or even during the lives of the present incumbents? The latter would involve the exercise of no different power, from the exercise of the former, although it shows more glaringly the usurpation sought by the applicants.

In the month of September next the applicants will have served out the term for which they were elected, and they will then cease to be aldermen and assistant aldermen, unless re-elected by the citizens agreeably to the provisions of the charter. The circumstance then of the incumbents applying to the Legislature for an appointment, or to be continued in the same offices for six months longer, has at least the character of novelty, if it is not wholly unprecedented. If the measure sought to be obtained, had been considered by the applicants expedient and important to the interests of their constituents, your memorialists would have supposed that their attention would have been directed to the subject, and at least their assent if not their concurrence obtained in an application to the Legislature for the passage of the law. This they have not done. Why they have not, your memorialists are unable to say. The applicants might have thought it not of sufficient importance, or they might have deemed it inexpedient to consult their constituents on the subject. If the law should be passed, your memorialists conceive that it must be upon the ground that a majority of the common council have a right to surrender up that part of the charter which gives to the citizens the right of electing the members of the common council, and upon their own application secure their continuance in the office by an appointment from the Legislature. If they can thus surrender this right under the charter, then it follows that they can surrender any other right, nay the charter itself. By this means, in place of retaining the common council as an elective body, your memorialists might have one seated there for life, dispensing favors or their frowns as circumstances or exigencies might seem to require. Against this right in the common council thus to surrender the charter or any of its provisions or privileges, your memorialists also protest. Your memorialists, therefore, humbly request your honorable body

to reject the application of the said common council as wholly inexpedient and inconsistent with the rights of the citizens of Albany.

All which is most respectfully submitted.

Albany, March 13, 1834.

Arnold Nelson,
John M. Merrill,
Wm. Bliss,
James Rodgers,
Truman Hibbard,
Thomas Maher,
John De Witt,
Ebenr. Hill,
Henry F. Merrill,
S. Saunders,
Simon G. Place,
Chas. H. Payn,
S. C. Brown,
James Taylor,
Charles Phelps,
George Harrison,
W. B. Horn,
Wm. Smith,
Garret Jacoby,
John A. Laisdell,
D. F. Bates,
George Brainard,
Wm. Lansing,

Admiral Nelson,
Caleb Robbins,
Wm. Humphreys,
Luck West,
Joel West,
Alden March,
James H. Armsby,
John L. Perry,
Eldert I. Van Woert,
J. S. Barnes,
A. Carpenter,
Robert Thompson,
T. Burton,
John Doane,
Seth C. Hatch,
E. Y. Watson,
Samuel Shaw,
Benj. F. Bullock,
James W. Pollie,
Nathaniel Merrill,
Dyer Lathrop,
B. Hoffman,
Andrew White.

IN ASSEMBLY,
March 24, 1834.

AMENDED REPORT

**Of N. Wilson, an Inspector of Beef and Pork in the
county of Greene.**

To the Honorable the Legislature of the State of New-York.

**Report of the inspector of beef and pork of the county of Greene,
for the year 1833, (corrected.)**

Inspected 3,766 barrels prime beef,.....	value	\$20,006 38
“ 908 “ mess beef,.....	“	7,608 50
“ 115 “ thin beef,	“	488 75
<hr/> 4,789 barrels.		Value <hr/> \$28,103 63
Fees,.....		\$718 35
Deduct expenses,.....		239 35
Nett receipts,.....		<hr/> \$478 90

N. WILSON.

Catskill, March 20th, 1834.

[Assem. No. 358.]

IN ASSEMBLY,

March 28, 1834.

AMENDED REPORT

**Of Eldridge Havens, an Inspector of Beef and Pork
for the county of Wayne.**

To the Honorable the Legislature of the State of New-York.

In compliance with the statute regulating the inspection of beef and pork, and also in compliance with a resolution of the Legislature of the State of New-York, passed at its present session.

I, the undersigned, an inspector of beef and pork for the county of Wayne, do make the following report, viz:

That I have inspected two hundred and six barrels of mess pork and three hundred and sixty-eight barrels of prime pork during the year ending the first day of January, 1834; and that the amount of the fees and emoluments for the same, is one hundred and forty-three dollars and fifty cents; and that the value of the mess pork was thirteen dollars and fifty cents per barrel and that of the prime pork eleven dollars per barrel. Total value of mess pork \$2,781, total value of prime pork \$4,048.

ELDRIDGE HAVENS.

IN ASSEMBLY,

April 1, 1834.

AMENDED REPORT

Of Gerrit Lansing, Jr. an Inspector of Lumber in
the city of Albany.

To the Honorable the Legislature of the State of New-York.

Pursuant to a resolution of the honorable the Assembly of the 12th March, 1834, I submit the following return of lumber measured and inspected by me as such inspector, from the 11th June, 1833, to 1st February, 1834, viz:

<i>Feet.</i>		<i>Per M.</i>	
91,914 fourth quality pine boards,	worth \$11	\$11	\$1,011 02
19,350 whitewood boards,	"	11	212 85
17,629 cherry boards,	"	25	440 72
17,960 basswood boards,	"	7	125 72
1,537 maple boards,	"	10	15 37
1,467 spruce boards,	"	7	10 27
684 butternut boards,	"	10	6 84
583 elm boards,	"	10	5 83
15,140 ash plank,	"	13	196 82
9,069 oak plank, .	"	20	181 38
8,364 maple scantling,	"	10	83 64
<hr/> 183,697 feet.			<hr/> \$2,290 48
Measuring and inspection fees received, ...		\$48	24
Deduct expenses,		7	74
			<hr/> \$40 50

All which is respectfully submitted.

GERRIT LANSING, Jun.

Albany, March, 1834.

[Assem. No. 361.]

IN ASSEMBLY,

April 4, 1834.

REPORT

Of the committee on claims, on the petition of John Shirland.

Mr. Robertson, from the committee on claims, to whom referred the petition of John Shirland,

REPORTED:

The petitioner represents that he was the owner of two lots of land in the town of Putnam, county of Washington, known as lots Nos. 84 and 88, in John Willard's north tract; and that although he was a non-resident of the said town of Putnam, (his residence being in Cambridge, in said county of Washington,) he was charged personally with taxes upon his said estate in the town of Putnam; two lots being assessed to him from the year 1808 to 1823; which taxes were duly paid by an agent of him the petitioner, to the collector of said town, who paid the same to the county treasurer: that notwithstanding the taxes on said two lots owned by the petitioner were paid, the collectors returned one of his said lots, to wit, No. 88, as non-resident, and as having no taxes paid upon the same in the year 1808-9-10-11-12, during which time the taxes amounted only to the trivial sum of two dollars sixty-four cents; adding charges thereto makes the whole sum \$4.98, for which the said lot was sold by the Comptroller, in the month of November, 1815, to Peter Smith; the lot at that time being well worth more than one thousand dollars.

The petitioner further states that from 1809 to 1821, said lot, eighteen acres of which being under improvement, was in possession of a family who were liable by law to pay the taxes, and had ample means so to do, had they been called upon: that in ignorance

of the fact that the said lot had been sold, the petitioner continued to pay the taxes thereon, for eight successive years after the lot was sold: that in consequence of the said lot having been sold, and conveyed to the purchaser, the petitioner is forever deprived of the same, or the value thereof, unless he is relieved by the Legislature; because, by the act regulating the assessment and collection of taxes, a deed given by the Comptroller, on the sale of lands for taxes, is declared conclusive evidence that the sale was regular according to the provisions of the act, whereby he the petitioner is precluded from showing the irregularity or illegality of the conduct of the town officers, in any action at law to recover back his property.

The petitioner concludes by saying, that having paid his taxes like a good citizen, he prays the Legislature to reimburse to him his loss, by giving him a sum of money equal to the value of his lands, or granting him other lands in lieu thereof. Accompanying the petition are several affidavits, corroborating the facts set forth in the petition.

Your committee have given to the subject presented in the petition all that consideration that the misfortune and distress of a fellow citizen naturally excited in the breast of the humane in feeling; but can not discover that the petitioner has even the shadow of a legal or equitable claim upon the State; the injury he suffers, in view of the committee, is from the misconduct of the town officers, and the rapacity of a speculator, consequently no claim against the State exists; they therefore offer, for the consideration of the House, the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

IN ASSEMBLY,

April 2, 1834.

REPORT

**Of the committee on claims, on the petition of Col.
Eri Deming.**

The committee on claims, to whom was referred the petition of Col. Eri Deming, of the town of Edmeston, in the county of Otsego,

REPORTED:

That the petitioner alleges that for rising of four years last past, he has been colonel and commandant of the 54th regiment of infantry, second brigade and sixteenth division, of the State of New-York: that on or about the tenth day of September, 1832, the regiment met in the town of Edmeston, for review and inspection, by order of the general of said brigade: that after the regiment had paraded upon the designated ground, and was under the command of the said colonel Eri Deming, one Field Medbury encroached on said parade ground, and had with him, and in his possession, a gambling table called a wheel of fortune, and was gambling on the ground and in front of the regiment: that the colonel then ordered out a file of men, to break and destroy said gambling table, and to take the said Field Medbury and put and keep him under guard until the setting of the sun on that day: that the said file of men, in obedience to his orders, did break the said gambling table and destroy it, and did put the said Field Medbury under guard, and kept him under guard one or two hours: that the said Field Medbury afterwards sued colohel Deming in the supreme court, for trespass, assault and battery and false imprisonment, for ordering him to be put under guard: that the cause was tried at the April circuit in the county of Otsego, and a verdict was rendered for the defendant: that colonel Deming had eight witnesses, who attended the

[Assem. No. 364.]

circuit in his behalf: that the said Field Medbury also sued the said coloremel in trespass, for breaking the gambling table: that coloremel Deming actually paid out to his attorney and counsel, for defending the two said suits, and to his witnesses and for their support, and other expenses in relation to the said suits, the sum of twenty-five dollars: that the said Field Medbury is poor and unable to pay any part of said costs and expenses, and is wandering about the country; and that coloremel Deming has not been able to collect any part of said costs and expenses.

The committee highly approve of the energetic conduct of the coloremel on this occasion; but they are not aware of any precedent which would warrant the payment of the costs and expenses for which he seeks remuneration: and if the prayer of the petitioner should be granted they can not perceive any case, in which an officer, either civil or military, is sued for an official act, where he could not apply to the Legislature to be indemnified for the costs and expenses incurred by him in his defence,

Your committee are of opinion that the precedent would be a dangerous one, if the prayer of the petitioner should be granted; and have, therefore, come to the conclusion that it ought not to be granted, and have instructed their chairman to introduce a resolution to that effect.

IN ASSEMBLY,

April 4, 1834.

REPORT

**Of the committee on Indian affairs, on the petition
sundry chiefs and warriors of the Seneca Indians.**

Mr. Mitchell, from the committee on Indian affairs, to which was referred the petitions of sundry chiefs and warriors of the Seneca tribe or nation of Indians, residing on the Cattaraugus reservation, in the counties of Erie, Cattaraugus and Chautauque, and of sundry citizens residing in the vicinity of the said reservation, praying that the provisions of the third section of the act, entitled "An act relative to the different tribes and nations of Indians in this State," passed April 10, 1813, and the act of 1817, concerning certain Indian tribes, may be extended to the said nation residing in the counties of Erie and Chautauque,

REPORTED:

That they have had the subject referred to them under consideration: the petitioners ask that the provisions of the third section of the act, entitled "An act in relation to the different tribes and nations of Indians in this State," passed April 10, 1813, and the act, entitled "An act concerning certain Indians residing within this State," passed April 5, 1817, be, so far as they may be applicable, extended to the Seneca tribe or nation of Indians residing in the counties of Erie and Chautauque.

The object of the petitioners in asking for an extension of those acts appears to be to prevent the retailing of ardent spirits to the Indians, which, as they allege, has had a tendency to corrupt the morals of the youth, in leading them into habits of intemperance, and also to prevent the sacrifice of property for the purchase of the same, which has in many cases produced poverty and distress.

[Assem. No. 365.]

The petitioners represent that they are situated near an unprincipled band of liquor sellers, who entice their youth, as well as those of more mature age, into habits of licentiousness; and that great and growing evils to the nation arise in consequence of the sales of ardent spirits, which by the existing laws, are not sufficiently prohibited from being made to the Indians: that these dealers in ardent spirits frequently take articles of clothing, axes and other implements of husbandry in payment for liquor; if not directly, they are received in pawn, or as security for the same, and are frequently retained for less than one-tenth of their value.

The petitioners represent that, under existing circumstances, the progress of civilization is retarded, and the benefits which might be derived from the benevolent institutions which have been established to ameliorate the condition of the nation are materially lessened; and that within a few years past several of the tribe have perished, having been exposed to the inclemency of the weather when in a state of intoxication.

The petition of the chiefs and warriors is accompanied by a memorial of sundry respectable citizens, residing in the immediate vicinity of the reservation, corroborating the statements as set forth in the petition, and requesting the Legislature to grant the prayer of the petitioners, which will, in their opinion, prove beneficial to the Indians, and the community generally in that vicinity.

Your committee find, on examination of the act relating to the different tribes and nations of Indians within the State, passed April 10, 1813, that provision was made to prohibit the sale of ardent spirits to the Indians, or the receiving of articles of their property by way of pawn or pledge, under penalties and forfeitures, within several of the counties of the State; and that these provisions have been, in some cases, extended to particular tribes or nations by subsequent acts of the Legislature.

The act passed April 11, 1826, (See Session Laws, 189,) extending these provisions to certain tribes of Indians, includes only that part of the reservation of the petitioners which lies in the county of Cattaraugus.

Your committee are informed that institutions have been established for the education and improvement of this primitive people; and from the facts set forth by the petitioners, which have

been corroborated by respectable citizens residing in the counties in which the Seneca reservation is situated, it appears that they are suffering by the debasing effects of ardent spirits: and, in the opinion of your committee, such a law should be passed as will sufficiently protect them against the evils complained of; thereby preserving what little taste they may have formed, by means of their institutions, for industry and education: have, therefore, prepared a bill accordingly, and ask leave to introduce the same.

IN ASSEMBLY,

April 7, 1834.

COMMUNICATION

From the Commissary-General, to whom was referred by the Assembly, a certain act and papers.

STATE OF NEW-YORK, }
Commissary-General's Office. }

NEW-YORK, April 4th, 1834.

P. REYNOLDS, Jun. Esq.

SIR: Enclosed I transmit to you the act and papers which were referred to me by the Honorable the Assembly, with my report and opinion, which you will please to place before the Speaker of the House, for his direction.

I am, very respectfully,

Your ob't serv't,

HENRY ARCULARIUS,

Com. Gen.

To the Honorable the Assembly of the State of New-York.

The Commissary-General, to whom was referred by resolution of your Honorable body, the bill, entitled. "An act for the relief of the trustees of the Middlebury Academy," "to consider and report thereon,"

RESPECTFULLY REPORTS:

1. That he has considered the provisions of the act with the circumstances of the case as detailed in the letter accompanying it, and is of opinion that the relief desired by the trustees will be

[Assem. No. 368.]

afforded them, if the same become a law; and that neither inconvenience, nor loss, will be sustained by the State, in relation to the value of the arms in question, by their adoption.

2. That he does therefore respectfully recommend the passing of provisions of the act, amended, should it be deemed advisable, so as to refer to, and embrace costs of suit, if any such there be incurred by the State, through the proceedings had by the Attorney-General.

Respectfully submitted,

HENRY ARCULARIUS,

Com. Gen.

STATE OF N. Y. COM. GEN'S OFFICE, }
New-York, April 4th, 1834. }

IN ASSEMBLY,

April 7, 1834.

REPORT

Of the committee on claims, on the petition of Zebulon Douglas.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Zebulon Douglas,

REPORTED:

That the petitioner claims for an extra compensation for labor upon sections No. 13 and 17, of the middle section of the Erie canal. He states that in the year 1817, he contracted with the Canal Commissioners to make a part of section 17; that in the performance of the said contract, it was found necessary, in the progress of the work, to make material alterations from the terms of the contract, by which the petitioner was subjected to great and unexpected expense in the performance of the extra labor requisite in such alterations. That the said alterations were directed by Judge Wright, engineer upon the canal, and consisted as follows:

In removing earth taken from the bed of the canal to the rear of the towing path, and constructing such path wholly of good earth brought obliquely a considerable distance, and in making drains for the purpose of carrying off the water that obstructed the work, the said drains being indispensable to the advancement of the same. He further represents, that in the progress of the work on said section, there occurred much hard excavation not expected at the time of the contract, and that could not therefore be estimated in the same; that in that part of the work denominated common excavation, much of it proved to be of a different character from what was expected at the time of the contract;

that is, at least one thousand and five hundred yards proved to be indurated clay, that required great extra labor in the removal thereof; and also, that in the part denominated "common excavation" there occurred a large quantity of slate rock, and not less than six hundred yards thereof; both of which were entirely unforeseen at the time of making the contract: and further, that in that part of the work denominated "rock excavation," for which the petitioner was allowed fifty cents per yard, much of the same, and not less than five hundred and twenty-four yards proved to be of a description entirely different from what was anticipated at the time of making the contract, being much harder and more difficult to remove.

The petitioner further represents, that he was also a contractor with one Jeremiah Landon, for the making of section 13 of the said canal, in the town of Lenox; and that in grubbing the same, there was found requisite much labor for the removal of large stumps, logs, roots, and all kinds of old timber, imbedded in the earth under the timber growing upon the surface, (which were very heavy,) and which could not have been foreseen when the contract was made. That the petitioner was deprived of the last mentioned contract soon after the grubbing was completed; and that in the settlement made by him with the Commissioners, he was allowed only such a sum for the labor up to that time performed on the said section 13, as, together with the sum paid to his successors, made the amount originally contracted to be paid for completing the same. That when the petitioner was deprived of the last mentioned contract, he offered to give bonds for the faithful performance of the same, according to the conditions thereof, to save the loss that must inevitably be sustained by him in the derangement of his business. The petitioner thus sums up his claim in his petition:

1. For drains made by him in the progress of the work on section 17.
2. For oblique removal of earth on the same section, for the permanent construction of a towing path.
3. For extra labor in the excavation of hard clay on that part designated "common excavation."
4. For extra labor in the removal of slate rock, found also in the part called "common excavation."

5. For extra labor in the completion of that part denominated "rock excavation."

6. For extra labor of grubbing section 13 in Lenox.

By this exposition of the case of the petitioner, it will appear that his case came within the jurisdiction of the Canal Board; they had full power to do him justice. His case was presented to the Canal Board on the 26th day of February, 1833, and they passed the following resolution:

"Zebulon Douglas, having presented a petition for extra allowances for work done on the Erie canal in the year 1817, 1818 and 1819, and it appearing that the contract was settled at the time, and a receipt in full given by the contractor; and it also appearing that said Douglas subsequently applied to the Canal Commissioners, and had an extra allowance on account of the said work in the year 1832; thereupon," Resolved, that the said application be denied.

If the Legislature should grant the prayer of the petitioner in this case, it would be constituting it a court of appeals from every decision of the Canal Board; and every individual who was dissatisfied with the decision of that body, might have his case reviewed here: considering, therefore, that the precedent would be a dangerous one, your committee have come to the conclusion that the prayer of the petitioner ought not to be granted, and have instructed their chairman to introduce a resolution to that effect.

IN ASSEMBLY,

April 8, 1834.

REPORT

Of the committee on the militia and the public defence, to whom was referred the bill, entitled "An act to amend title 5th, part 1st, chapter 10th, of the Revised Statutes, regulating the rendezvous of the militia."

Mr. Ruggles, from the committee on the militia and the public defence, to whom was referred the bill, entitled "An act to amend title 5th, part 1st, chapter 10th, of the Revised Statutes, regulating the rendezvous of the militia,"

REPORTED:

That the committee have carefully examined the several provisions of the bill referred to them. The 1st section of it provides "that the commissioned officers and the musicians of each brigade of the militia, shall rendezvous at least once in two years, two days in succession, between the 1st day of June and the 1st day of September, for training, disciplining and improving in martial exercise."

The 2d section makes it the duty of the brigade inspector to attend such parades for the same purpose that he is required to attend the parades of officers and non-commissioned officers of the regiments and separate battalions.

The 3d section dispenses with the regimental and battalion parades of commissioned and non-commissioned officers during such years as there may be parades by brigades as provided in the 1st section.

The 4th section proposes to exempt all commissioned officers from serving as jurors in any courts, and also to make a deduction from the labor of each on the highways of two days in each year, while serving under his commission.

The committee discover in the proposed changes, some provisions which might, if adopted, be productive of beneficial results. They aim to relieve the large body of non-commissioned officers from a portion of those regimental drills which at present constitute the most expensive part of their militia service.

They would also deprive the militia of the instruction derived from these drills, which are annually held under the supervision of the brigade-major, and which have been generally found useful and necessary preservatives of discipline.

The adoption of a rendezvous by brigades, of the commissioned officers, would contribute very little to their present facilities of improvement, and would very little increase their present militia service. Such parades of the non-commissioned as well as commissioned officers, are now authorized by law, on obtaining the consent of the brigadier-general, and all the field officers. And the committee cannot discover in the proposed plan any adequate equivalent, either for the proposed reduction in the present regimental and battalion parades, or for the important privileges and immunities conferred upon commissioned officers under the 4th section of the bill.

Commissioned officers are now enabled to obtain a full discharge from all militia duty by serving under a commission for four years, and obtaining an honorable discharge from the officer authorized to accept resignations.

In addition to these objections, the committee are unwilling, in the present defective condition of our whole militia system, to introduce any slight or partial changes, confidently believing, as they do, that the Congress of the United States will soon take the subject under consideration, and by remodelling the laws on this subject, make our militia service not only more easy and more equal, but more beneficial to the country.

IN ASSEMBLY,

April 8, 1834.

REPORT

**Of the committee on public lands, on the petition of
Phineas Waller, and others.**

Mr. Grover, from the committee on public lands, to which was referred the petition of Phineas Waller, and others,

REPORTED:

That the petitioners represent themselves as being "severally owners and possessors of lands in the Garnsey patent, granted by the people of this State to John Garnsey, some forty or fifty years ago;" that said land is situated in the town of Windsor, in the county of Broome. The petitioners claim to hold the lands in the Garnsey patent agreeable to a survey made by a person employed for that purpose.

Your committee have been able to ascertain from a report made by the Commissioners of the Land-Office on this subject, that the original patent granted to John Garnsey, contained precisely 1,000 acres of land; although the surveyor above alluded to, when he made the original survey, calculated it so as to contain the given quantity, with the usual allowance for highways, which was about five per cent, as was the practice of the Colonial government. As this was inadmissible, the Surveyor-General gave a description of it by taking three chains and twelve links from the west side of the tract, leaving the bounds in other respects unaltered. The part so cut off, contains between forty-five and fifty-six acres, which was not included in the original patent issued to John Garnsey, and that no sale thereof has been made to him or any other person, and that the said tract now belongs to the State.

Your committee, however, have come to the conclusion, that inasmuch as the petitioners at a very early day, settled and improved the piece of land so cut off, supposing it to be within their patent, that they now deem it no more than justice to the petitioners that they may be allowed the exclusive privilege of purchasing the said tract of land at the same price per acre as lands of the description mentioned, were worth at the time the said Garnsey tract was located; and your committee ask leave to introduce a bill accordingly.

IN ASSEMBLY,

April 8, 1834.

REPORT

Of the committee on the judiciary, on the memorial of inhabitants of the county of Seneca, relative to the excise law.

Mr. Phelps, from the committee on the judiciary, to which was referred the memorial of twenty-one citizens, who represent themselves to be town officers and other citizens of the county of Seneca, praying for an "alteration in the statute of excise, and the regulation of taverns and groceries," so as to prevent any person licensed as a tavern-keeper in said county, from vending ardent spirits in small quantities,

REPORTED:

That the petitioners represent, that ever since this State made laws for herself, the vending ardent spirits in small quantities, to be drank at the place of sale, has been attended with injurious consequences to the public welfare; that it tends to concentrate the vicious around the place where it is practised, promotes riot and disturbs the peace; that owing to this belief, at an early day, laws were passed "prohibiting the commerce to our citizens at large, under severe penalties, and restricting the evil to a few places."

That it has been the policy of the State, as it should be of all enlightened people, to provide by law for the accommodation of travellers through well regulated public houses; that the stranger is informed by our statute book, that he has the honor and faith of the State pledged to him for his repose and personal security, when he puts up at a licensed tavern; yet, by a strange improvi-

[Assem. No. 372.]

dence, this commerce, which brings together the vicious, excites their propensities to action, endangers the public peace; this evil, guarded against so strenuously as to warrant the interference with private rights by public law, to protect the general interest, is permitted to exist at those houses and those only.

That, as the law now stands, the most prominent clause in a commission to a tavern-keeper, is a license to sell strong and spirituous liquors to be drunk in his house and out-houses, the profits of which constitute the chief inducement to the less reputable part of our citizens to enter into the business, and greatly increase the application for tavern licenses; insomuch so that the excise officers find it a delicate task to decide between their fellow townsmen in granting this lucrative monopoly; and too frequently, compromise with their consciences, to show their impartiality and gratify all the applicants with a license, choosing rather to strain the statute than disoblige their neighbors. That this, in most of our towns, has led to an unreasonable multiplication of taverns, and in some of them, to a total denial of licenses. That in three towns of their county, "the excise officers have conscientiously refused to grant any licenses, believing the evils of that feature in the license which permits vending ardent spirits to be drunk in their houses, greatly to overbalance the advantages to be derived from having a tavern in their towns at all," under the belief "that as it is manifestly the design of the laws of our State, to provide for the protection and comfort of the traveller, and that taverns are licensed for that end only," and "are the last places where quiet should be disturbed by this pernicious traffic."

That "our county is a great thoroughfare through the whole length of it, for southern, and still greater across it, for eastern travelling. Strangers, whilst they admire our rich soil, fine landscape, and beautiful waters, judge of the character of our people from our public houses, and estimate the value of our real estate, from a consideration of all these views combined."

That they "therefore ask for the passage of a law, authorizing the commissioners of excise in the towns of the county of Seneca, to grant tavern licenses, with all the provisions and responsibilities which now exist, without permitting the vending and drinking of ardent spirits," under the opinion that "it would drive from that employment those whose only inducement to take out license is to

keep dram shops." That it would induce "our respectable citizens, whose locations are convenient, whose means are ample for the accommodation of the traveller, and whose characters will guarantee his safety," to enter into the occupation, but who now decline subjecting themselves and their children to the degradation and contaminating example of dealing out spirits to clamorous customers.

Your committee have recently had the subject of licensing temperance taverns, without the payment of an excise duty, under their consideration; and to save repetition, they refer to No. 250, of the Assembly Documents, for their views in relation thereto. But as the present memorial involves, in some measure, the great moral reform now progressing in the community, by the simple force of collective and individual opinion and example, and as it also is the first direct application to the Legislature, that your committee are aware of, to repeal the act relative to the "excise and the regulation of taverns and groceries," it deserves and has received a careful consideration from them, and the subject is also now receiving the aid and influence of some of the most wise and virtuous men of all classes in society, whose object appears to be, to eradicate vice and reform the misled and intemperate; and, if this motive is not misconceived, it appears to your committee, that more advantage would result to the cause by the simple means of moral persuasion and example, than by repealing the present law on that subject, as, there is no doubt, too much zeal or indiscretion in this matter, may counteract the wishes of those engaged in this, at present, unexceptionable and philanthropic undertaking. No coercion or legal enactment can benefit it. It would only tend to impede its present popular progression, create opposition, bring families, society, and the whole community, into the most bitter animosity, cause more riot, civil commotion and breaches of the peace, than arises under the law complained of. It would array the whole State into political parties, combining more bitter and pernicious feeling, than has ever influenced any former combination, ending in more strife, contention and mischief, than can be at this time foreseen or described; one of fearful import, which had better be timely avoided than encouraged.

In addition to these considerations, your committee would also further observe, that there is no doubt that a great many other persons besides these petitioners are desirous of stopping the sale of ar-

dent spirits; those who would cheerfully patronize any of their fellow-citizens that would open houses for the entertainment of the traveller, where his repose and personal security would be protected from the vicious and riotous; and as the law is now, there can be no sufficient reason given, why respectable citizens, whose "locations are convenient, whose means are ample, and whose characters will guarantee his safety," cannot "enter into the occupation without subjecting themselves or their children to the degradation and contaminating example of dealing out spirits to clamorous customers." They are not compelled to keep wine or ardent spirits: shall it then be said, that those actuated by high moral principle and great philanthropic views, are deterred, by the sordid idea of paying for a license, from embarking in this laudable and praiseworthy avocation. If to others, it cannot apply to the reputable and patriotic citizens of this county, who are desirous of inviting the passing traveller to enter their hospitable mansions, who request him to sojourn during his pleasure, and view their "rich soil, fine landscapes, and beautiful waters;" who are anxious to appreciate "the value of their real estate," and "drive from that employment those whose only inducement to take out license is to keep dram shops." Some other cause must be assigned, of more weight than simply the expense of a license to prevent them, who have the public weal in view, and are governed by more weighty reasons than this, from desisting in embarking in the business. If the public inns have become so noxious in this county as to be public nuisances, it strikes your committee, there is a remedy without repealing the excise law, which rests with the citizens of that county to apply. And if the "town officers, (of which number the memorialists allege themselves to be a part) whose duty it is, under oath, not to grant a tavern license to any applicant unless he is of good moral character, of sufficient ability to keep a tavern, and has not the necessary accommodation to entertain travellers, and that a tavern is not absolutely necessary at the place where he applies to keep the same," have not the necessary judgment and resolution to determine the matter, but in the language of the memorialists "find it a delicate task to decide between their fellow townsmen, in granting this lucrative monopoly, and too frequently compromise with their consciences, to show their impartiality, and gratify all the applicants with a license, choosing rather to strain the statute than disoblige their neighbors;" if such be the case, still the citizens of that county have

an adequate remedy lying in their own hands, but which should be used with great discretion and circumspection.

Your committee have arrived at the conclusion, although the reasons urged by the memorialists are admitted to be at least specious, that the excise law had better remain unrepealed, as there are remedies to meet all the evils alleged, especially as it is believed the regulations, restrictions and penalties therein contained, are useful and beneficial, and do, in a great measure, deter those riots and breaches of the peace, represented to grow out of licensing taverns; and that the object desired can be better attained through that moral force now operating in community, through the aid and example of those who *practise* as well as advocate the philanthropic cause of temperance. They therefore offer the following resolution:

Resolved, That the prayer of the petitioners be denied.

No. 373.

IN ASSEMBLY,

April 8, 1834.

REPORT

Of the select committee, on the petition of Joseph Russell and John E. Norman.

Mr. Archibald, from the select committee to whom was referred the petition of Joseph Russell and John E. Norman, for an act authorising them to construct and maintain a dam across the Schroon river, between the towns of Bolton and Chester, in the county of Warren,

REPORTED:

That the Schroon river is a public highway, and that it is used as such; that the north part of the county is new, and covered with pine and hemlock timber, and that the erection of mills and manufactories are necessary for the benefit and convenience of the inhabitants; that there are many dams across said river, constructed in such manner as not to injure the navigation of said river.

The committee are of opinion that the prayer of the petitioners ought to be granted, and ask leave to introduce a bill.

IN ASSEMBLY,

April 8, 1834.

REPORT

Of the committee on claims, on the petition of William Long.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of William Long,

REPORTED:

That the petitioner represents that on the 24th day of December, 1830, he became the purchaser, at a public sale held in Johnstown, in the county of Montgomery, of lot No. 35, in the Socondago patent, containing 98 acres, for the sum of \$491, and paid to the Surveyor-General the sum of \$123, and executed his bond to the people of this State for the payment of the residue, with lawful interest, and received of the said Surveyor-General his certificate of said sale and payment; that the said lot of land had been previously sold and purchased in by the people, under a mortgage executed to them by one Archibald Shanks, since deceased; that in a very few days after his said purchase, the petitioner, with an intention of making improvements on the said premises, went and demanded possession thereof from the said Archibald Shanks, which he utterly refused to surrender; that the petitioner thereupon made application to the Attorney-General of the State for his advice in the premises, who gave to the petitioner a written authority to commence an action of ejectment against the said Shanks, for the recovery of the said lot, or any part of it; that in the month of May last, the said Shanks, on learning that the petitioner had applied to the Attorney-General for advice in the premises, and that he was threatened with an action of ejectment, surrendered up to him the possession of the said lot of land, and in about two or three weeks

IN ASSEMBLY,

April 8, 1834

REPORT

Of the committee on claims, on the petition of William Long.

Mr. Ingalls, from the committee on claims, reported the petition of William Long,

REPORTED:

That the petitioner represents that in the year 1830, he became the purchaser, at a public sale, in the county of Montgomery, of lot No. 1, containing 98 acres, for the sum of \$40. General the sum of \$123, and expended in this State for the payment of the taxes received of the said Surveyor-General and payment; that the said lot of land was purchased in by the people, under the authority of one Archibald Shanks, since deceased; after his said purchase, the petitioner made improvements on the said premises, and thereof from the said Archibald Shanks to surrender; that the petitioner applied to the Attorney-General of the State, who gave to the petitioner a writ of ejectment against the said Archibald Shanks, on learning that the said General for advice, and was furnished with an opinion of the Attorney-General.

[Assem. No. 374.]

thereafter died; that the petitioner had, on the 4th day of January, 1832, paid to the Treasurer of this State the sum of \$87.81, on account of the principal and interest due on his said bond.

He further states that he has been put to very considerable expense, and sustained great damage by reason of the said Shanks having withheld from him the possession of the said land so purchased by him, and in part paid for, and produces affidavits showing the damages to amount to fifty dollars.

This case has been referred to the Commissioners of the Land-Office, and they report that there is no provision for a case of this description by law, and your committee are of opinion there never should be, and have directed their chairman to introduce the following resolution:

Resolved, That the prayer of the petitioner, William Long, ought not to be granted.

IN ASSEMBLY,

April 8, 1834.

REPORT

Of the select committee on the engrossed bill from the Senate, entitled "An act to incorporate the Buffalo Burial Ground Association."

Mr. Emmons, from the select committee, to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Buffalo Burial Ground Association,"

REPORTED:

That the citizens of Buffalo are without adequate provisions for burial grounds, and that the persons named in the first section of the bill associated some years ago, for the purpose of purchasing a lot to be appropriated to that use, and divided it into plats or squares for family burials; but they find great inconvenience and embarrassment in the management of the cemetery, for the want of corporate powers.

Your committee believe that the objects of the association are meritorious, and as the powers granted by the bill are so restricted that they cannot be used for the purposes of speculation, inasmuch as all the receipts of the corporation are required to be expended in paying for their lot, and in improving and embellishing the same, and as there are several precedents for such corporations, your committee respectfully recommend that the bill may pass to a third reading and become a law.

IN ASSEMBLY,

April 9, 1834.

REPORT

Of the committee on the judiciary, to which was referred the act, entitled "An act relative to trials by jury in courts of law."

Mr. Haight, from the committee on the judiciary, to which was referred the act, entitled "An act relative to trials by jury in courts of law,"

REPORTED:

That the act referred to them, provides that "on the trial of all civil causes in courts of law which may hereafter be had, if three-fourths of the jury empaneled and sworn, agree upon a verdict, and reduce the same to writing, and sign the same, the court in which such cause is pending, shall render a judgment upon said verdict accordingly."

Your committee are not aware of any good reason for the alteration proposed to be made in so important a matter as the trial by jury. The unanimity required of the jury, so far from being objectionable, is, in the opinion of your committee, one of the best safeguards against the errors of prejudice or passion, or the influence of corruption.

The right of trial by jury has been deemed so essential to the enjoyment and perpetuity of civil liberty, as to be provided for in the Constitution; and perhaps it may be doubtful whether so important an alteration as the one proposed by this law, is not within the constitutional prohibition. The language of the Constitution

is, "the trial by jury in all cases in which it has been heretofore used, shall remain inviolate forever." The trial by jury, as theretofore used, was the unanimous consent of the persons composing the jury, to the verdict which they might render. The right was secured for the benefit of the citizen, and was deemed, if not an imprægnable, at least a formidable barrier against the exercise of arbitrary power. Much of this safety, in the judgment of your committee, depends upon the principle requiring unanimity. Cases have occurred in the professional experience of most lawyers, where great injustice has been prevented by a minority of a jury. This result is not unfrequent where trials of an exciting character are had, or such as are connected with or influenced by party politics. The proposed alteration extends only to civil causes, yet to a great variety of these causes, the same objections, though to a less extent, exist, as might be urged against its application to trials for crimes and misdemeanors.

This is perhaps a fit occasion for your committee to remark, that although in one or two instances the operation of a particular statute or principle of the common law may seem unjust or severe, yet it should not for that reason be conclusively condemned or inconsiderately changed. It is not within the compass of human wisdom to make laws which shall not in some particular case disappoint the expectation of the law giver, or which may not sometimes be evaded by the craft or subtlety of man. In our efforts to adapt legislation to particular cases, the law, which every man is presumed to know, is undergoing successive and constant changes. The principles of the common law are a common subject of complaint, not by those who understand its wisdom, and are thereby enabled to apply its precepts, but by those who having seen what they suppose the injustice of some particular case, immediately conclude that a change is desirable, and presumptuously apply the experience of a day, to the prostration of that which the wisdom of a century has been engaged in erecting. The evils of experimental and excessive legislation are now so apparent and palpable, as to have attracted public attention, and to have become the theme of well grounded complaint. If your committee were aware of any great public necessity for the change in question, or for any other which may be presented for their consideration and inquiry, they should not only deem it their duty, but it would be a source of great gratification to have contributed their humble means to secure any valuable improvement in the principles of the law, or the adminis-

tration of justice. The right of trial by jury is, however, the last subject upon which they would venture upon an experiment. It is so intimately connected with the business, character, property and personal security of our fellow-citizens, that your committee would scrutinize with the most jealous caution any change which might, in its remote consequences, affect the security of private rights, or the administration of public justice. The unanimity of the jury has always been required as far back as we can trace with precision the history of this admirable institution. It never has, to the knowledge of your committee, among those most familiarly and extensively engaged in the trial of causes, been a subject of complaint or censure. Your committee have never understood that the wisdom of the rule among this class of individuals has ever been doubted. They are impressed with the conviction that the change in question would be mischievous in its tendency, if the Legislature have the power to make it, and they are accordingly of opinion, for the reasons herein suggested, that the bill referred to them should not become a law,

IN ASSEMBLY,

April 9, 1834.

REPORT

Of the select committee on the engrossed bill from the Senate, relative to the erection of a court-house and jail in the county of Columbia.

Mr. Snyder, from the select committee consisting of the delegates from the county of Columbia, to whom was referred the engrossed bill from the Senate, entitled "An act for the erection of a court-house and jail in the county of Columbia,"

REPORTED:

That at a special meeting of the board of supervisors of the county of Columbia, duly held at the court-house in Hudson, on the 9th of January, 1834, for the purpose of taking into consideration the propriety of erecting new county buildings instead of those now occupied as court-house, clerk's office, jail and keeper's dwelling; and that said board of supervisors did, on that day, by a large majority of said board, determine, that on account of the improper location, inconvenience, and decayed situation of the present county buildings, it was expedient and proper to erect such new county buildings, at a day as early as practicable; and in consideration that the sum of \$10,500 would be required to carry into effect the contemplated erections, beyond other available property now in possession, the said board of supervisors apply to the Legislature, that a law may be passed to authorize said board or its successors in office, to raise the sum of \$10,500 by tax upon the taxable property of the county of Columbia, in four years, being one-fourth of said amount per annum, at the usual time of collecting county tax. And that the city of Hudson have also petitioned for leave to contribute their share towards such public buildings, and have agreed with the supervisors of the county to contribute

\$10,000 for that purpose, and ask leave to borrow \$7,000, payable with interest, at such time as will give them an opportunity of selling their present public buildings, and to pay the rest out of their present funds.

Your committee have proposed several amendments to said bill, and with such amendments recommend that the same be passed into a law.

IN ASSEMBLY,

April 9, 1834.

REPORT

Of the select committee on the petition of inhabitants of the town of Redfield, county of Oswego, relative to the destruction of wolves.

Mr. Ruggles, from the select committee to which was referred the petition of the inhabitants of the town of Redfield, in the county of Oswego,

REPORTED:

That the memorialists state they had suffered much and frequent loss by the destruction of their sheep by wolves that infest that section of the country, and after mature deliberation on the subject at the last town-meeting, voted that a bounty of twenty dollars be raised by said town to be paid to any person who should kill a wolf in said town; and that a petition be forthwith presented to the present Legislature for a law to enable said town to carry into effect the aforesaid resolution.

Your committee are of the opinion such a law would be proper, and ask leave to introduce a bill.

IN ASSEMBLY,

April 10, 1834.

REPORT

Of the committee on claims, on the petition of Lawrence Barclay.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Lawrence Barclay,

REPORTED:

The petitioner states that he was a contractor of sections No. 31 and 32 of the Cayuga and Seneca canal; and completed the same; that in doing the work on the said sections, he sustained grievous losses, occasioned by new directions, given by the engineer after the making of the contract, and in consequence of the work proving to be of a different character or description, than it was contemplated to be by the engineers or Commissioners, or at the time of the making of the contract; that the petitioner applied to the Canal Board for an extra allowance on the said contract, and exhibited to the Board an account showing a just claim to an extra allowance of upwards of \$8,000; that he produced testimony verifying his account, in his opinion, to that amount. The Board, however, allowed him only \$1,600.

The petitioner further states, that being greatly embarrassed with debts and under honorary engagements, to save his endorsers he accepted the said sum, returned to his home, and applied the money, as far as it would go, in discharge of his debts; but being insufficient to discharge all his debts, he was thrown into jail, and to release himself from imprisonment, was obliged to ask, as an insolvent debtor, for the discharge of his person from impi-

sonment; that in consequence of the losses sustained by the petitioner by reason of said contract, he has been reduced from comparative competence, to abject poverty; that he is not only ruined himself, but has been the innocent cause of the ruin of his aged parents, and has involved his friends and creditors in pecuniary losses and embarrassments to a great amount, whereas, if mere justice was done him, and the State would pay him what he is justly entitled to, as he is prepared to show by satisfactory evidence, he would have a comfortable competence, after paying all his debts.

The petition has been referred to the Canal Board, and they have made a long report, detailing the facts upon which the petitioner's claim is founded. This report will be found in Assembly Documents, No. 366. The report bears date the 26th March, 1834, to which, for the facts, your committee beg leave to refer.

By an examination of the report of the Canal Board, it will be perceived that the petitioner had many and almost insurmountable obstacles to encounter.

The committee have based their report upon the statement of N. Dennis, which was exhibited to the Canal Board, which is as follows:

Cayuga and Seneca Canal, }
3 Mo. 16, 1834.

1. "There were ten thousand cubic yards extra excavation on section 32, which was worth seventeen cents per yard.
2. There were also eighty-five hundred cubic yards of embankment more than was originally contemplated, which was worth twenty cents per yard.
3. On sections 31 and 32, where the excavation was not extra, eighty thousand cubic yards would have been worth fourteen cents per yard, in an ordinary season, but the season was so wet during which that quantity was excavated, and so much water was to be pumped, as to increase the expense of the work fifteen per cent.
4. By reason of the unexpected obstruction to drawing, which the rising of the bottom in the marsh created, the contractor was obliged to move his men, with their tools, plank, &c. several times."

The Canal Board state, that they made allowances on the items included in the first, second, third and fourth paragraphs of the engineer's statement, as follows:

10,000 cubic yards extra excavation, price 5½,.....	\$550 00
8,500 c. yds. embankment,.....	425 00
On account of the extra expense in the marsh,.....	625 00
	<hr/>
	\$1,600 00
	<hr/>

Thus leaving the 15 per cent on the price of 80,000 cubic yards in the third paragraph of the engineer's report unprovided for, for two reasons; the first for want of jurisdiction; second, because the petitioner might have foreseen he had to encounter these obstacles. The first reason was undoubtedly a sufficient reason for the rejection of this item by the Canal Board.

Your committee entertain a different opinion from the Canal Board upon the ground assumed by them for the rejection of this item; the petitioner could not foresee that the season would have proved so unfavorable for the execution of the work; he would make his contract in reference to an ordinary season. The engineer certifies "that the season was so wet during which that quantity was excavated, and so much water was to be pumped as to increase the expense of the work 15 per cent."

Your committee are of opinion that the petitioner is entitled to the 15 per cent upon the price of the eighty thousand yards mentioned in the third paragraph of the engineer's report, amounting to \$1,380.

This petition is presented by the consent of the assignee of the petitioner, upon condition that the money that should be allowed to the petitioner, should come into his hands for the benefit of the petitioner's creditors to the amount of their debts; and as the sum reported is inadequate to pay them, your committee ask leave to introduce a bill providing for the payment of the sum reported to

Stant, assignee of the said Lawrence Barclay, for the benefit of his creditors.

IN ASSEMBLY,

April 15, 1834.

REPORT

Of the Attorney-General, on the bill entitled "An act for the relief of Enos Stone and others."

ATTORNEY-GENERAL'S OFFICE, }
Albany, April 15, 1834. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR—

In pursuance of a resolution of the Assembly, I submit herewith a report, on the bill entitled "An act for the relief of Enos Stone and others."

Your obedient servant,

GREENE C. BRONSON.

REPORT, &c.

The Attorney-General, to whom was referred, by the Assembly, the bill entitled "An act for the relief of Enos Stone and others," "to report thereon, whether in his opinion the same requires two-thirds of all the members elected to both branches of the Legislature to pass the said bill into a law," respectfully submits the following

REPORT:

The clause of the Constitution under which the question arises, is in the following words: "The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes, or creating, continuing, altering or renewing any body politic or corporate." Art. VII. Sec. IX.

Cornelius A. Van Slyck was collector of canal tolls at Rochester. Enos Stone and the other persons named in the bill were his sureties, in a bond to the people, conditioned for the faithful discharge of the duties of the office. Van Slyck neglected to pay over the moneys which came to his hands. A suit was commenced on the bond, and judgment has been recovered against him and his sureties for about \$17,000, of damages and costs. The bill in question releases the sureties from the judgment.

The fact that Mr. Stone and others were sureties, may be deemed a sufficient ground for the interposition of the Legislature; but neither at law, nor in equity, (as equity is administered in courts of justice,) is there any difference between the case of the sureties and that of the principal. Judgment has been recovered against all. They all owe a debt to the people of this State; and the same vote is necessary to discharge those who were sureties as would be required to discharge the principal.

That a debt owing to the people is "public property," can not be doubted. The only question is, whether a bill releasing such a

debt, is a bill "appropriating the public property for private purposes." If the bill proposed to transfer the judgment to a third person as a gift, there would hardly be room for two opinions on the subject. It would be the same thing, in principle, as the gift of a lot of land, a house, or any other property owned by the State: and it is not perceived that there can be any legal difference, between a transfer to a third person as a gratuity, and a release, without consideration, of the persons against whom the judgment was recovered. Such a release would be to them, a gift of the judgment. The favor bestowed would be just as great as though it were conferred on a stranger to the judgment; and in relation to the State, it would amount, in either case, to a disposition of the public property.

The Constitution does not regard the motive or inducement for making the grant, any more than it does the motive or inducement for creating a corporation. It only declares how many votes shall be necessary to pass a bill for either of those objects; and that number is necessary, whether the motive for action be either more or less urgent.

The words "private purposes" are used in contradistinction to objects of a public nature, or those in which the State has an interest. Appropriations for schools, colleges, canals, and the like, are for public purposes: appropriations for the benefit of individuals, are for private purposes.

The Attorney-General is of opinion, that a debt owing to the people is "public property:" that a bill transferring or releasing such a debt, is a bill "appropriating the public property:" and that such a transfer or release, made without consideration, is an appropriation for "private purposes." It follows that the assent of two-thirds of the members elected to each branch of the Legislature is requisite to pass the bill which has been referred.

Respectfully submitted,

GREENE C. BRONSON, *Att'y-Gen.*

April 15, 1834.

IN ASSEMBLY,

April 16, 1834.

REPORT

**Of the committee on the petitions of aliens, on the
petition of Thomas Pay.**

Mr. Osborne, from the committee on the petitions of aliens, to whom was referred the petition of Thomas Pay, a resident alien, praying that he may be authorized to hold and convey real estate,

REPORTED:

That it appears from the petition, and the document annexed thereto, that the petitioner is an alien, who resides in Rensselaer county, in this State; that soon after his arrival in this country, in 1828, he made on oath his declaration of intention to become a citizen of the United States, which he delivered to one of the judges of the Rensselaer county courts, to have filed in the clerk's office of that county; that after making his declaration, he purchased certain real estate in that county, and which he subsequently sold; that in order to satisfy the purchaser as to the validity of the title, and consummate his intention of becoming a citizen, he called at the clerk's office for a certified copy of his declaration, for the purpose of enabling him to become naturalized; that on search, the original paper could not be found on file, and that on the 11th instant, he ascertained that it was still in the possession of the judge, who had neglected to file it.

As the statutes now in force, in relation to the rights of aliens to take, hold and convey real estate, seem but very imperfectly understood, your committee beg leave particularly to refer to them, as well for the benefit of the petitioner, as of other resident aliens, who may be desirous of availing themselves of their provisions.

[Assem. No. 382.]

By the Revised Statutes (vol. 1, page 720,) any alien who has come, or may hereafter come into this State, may make a deposition or affirmation in writing, before any officer authorized to take the proof of deeds to be recorded, that he is a resident of this State, and intends always to reside in the United States. and to become a citizen thereof, as soon as he can be naturalized, and that he had taken such incipient measures, as the laws of the United States require, to enable him to obtain naturalization, which shall be certified by such officer, and be filed and recorded in the office of the Secretary of State. Upon making and filing such deposition, he is authorized to take and hold real estate, and during six years thereafter to sell and dispose of the same, in any manner as he could do, when a native citizen of this State, excepting that he shall not have power to lease until he becomes naturalized.

But by the Revised Statutes the alien is prohibited from taking and holding such real estate as was conveyed to him previously to his having become a resident, and made and filed his deposition, as above required. To provide for such cases, a law was passed on the 15th April, 1830, (Sess. Laws, 1830, p. 186,) declaring that any resident alien, who has purchased and taken a conveyance for any lands or real estate within this State, before making his deposition as required by the Revised Statutes, may continue to hold such lands and real estate, in the same manner and with the like effect, as he would have done if such purchase had been made and conveyance taken after the making and filing of his deposition: and by the same act, every grant, contract or mortgage, made and executed by such alien, to and with any citizen of the United States, shall be deemed and considered as valid and effectual as if such grant, contract or mortgage, had been made by a citizen of this State. But to entitle the alien to the benefits of the provisions of this law, he was required to make and file the requisite deposition within one year from its passage. By an act passed April 18, 1831, (Sess. Laws, 1831, p. 204,) the time allowed for filing the deposition, and all the provisions of the law of 1830, were extended and continued until the 15th April, 1832; by another act, passed April 17, 1832, (Sess. Laws, 1832, p. 260,) the same were further extended and continued until the 15th April, 1833; and by another act, passed April 18, 1833, the same were still further extended and continued until the 15th April, 1835.

From this review of the statutes, your committee are of the opinion, that further legislation in the case of the petitioner is unnecessary, and that he could derive more speedy relief from the immediate filing of the declaration annexed to his petition, and filing the requisite deposition in the Secretary's office, than he could do by waiting the passage of a special law for his relief, even were it thought expedient to introduce a bill for that purpose.

They therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition and the document thereto annexed.

IN ASSEMBLY,

April 17, 1834.

REPORT

**Of the committee on the judiciary, on the petition of-
George Ohll.**

Mr. Phelps, from the committee on the judiciary, to whom was referred the petition of George Ohll, to change the sur-name of himself and wife, and that of his children,

REPORTED:

That the petitioner represents that he was born in Philadelphia, in the State of Pennsylvania; that he came to reside in the city of New-York with his mother, when he was very young; that his father having departed this life, his mother, when he was about nine years old, married to one Ernest Kass, a baker, residing in the city of New-York, who brought him up; that he learnt a trade in said city, which he is now following; that he is married, and has four children living; that ever since the marriage of his mother to said Kass, he, the said petitioner, has gone by the name of Kass; that since his own marriage, he and his wife and children have gone by, been called and known by the sur-name of Kass, instead of that of Ohll, he being known to very few by that name; that he is desirous of purchasing real estate, and of taking a conveyance therefor in the sur-name of Kass, and is desirous that himself, wife and children shall be hereafter called and known by the name of Kass, and permitted to change their name from that of Ohll to that of Kass; and that they and each of them and their heirs, may be authorized to take, have, hold, possess and enjoy real estate, by purchase, devise, descent or otherwise, and sell, mortgage, lease, assign, convey and transfer the same by the sur-name of Kass, instead of that of Ohll; and that he has published a notice of this application, all of which is verified by the petitioner's affidavit.

[Assem. No. 384.]

Your committee consider this matter of permitting a person to change his or her name entirely arbitrary, and in the sound discretion of the Legislature, and at the same time being also of the opinion that from the facts set forth by the petitioner, his application is made for no improper purpose, or to avoid responsibility, but simply from the desire of avoiding confusion of names, and shunning any legal objection in consequence of assuming and generally being known by a different name from that of his father, think it expedient to grant the prayer of the petitioner, and ask leave to introduce a bill for that purpose.

IN ASSEMBLY,

April 18, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of Joseph Carter and others, and the remonstrance of Edward Addy.

The Commissioners of the Land-Office, to whom was referred by the Assembly, the petition of Joseph Carter, Isabella Fisher and Sarah Taylor, praying a release of the whole or some part of the moneys due the people on a mortgage executed by Joseph Carter; and also the remonstrance of Edward Addy on the same subject; respectfully submit the following

REPORT:

On the 26th of November last, the Commissioners, in pursuance of the first section of the act, entitled "An act concerning escheats," passed April 29, 1833, (Laws of 1833, page 472,) released to the said Joseph Carter all such interest as the people had acquired by escheat, on the death of Alexander Mitchell, to a piece of land in the twelfth ward of the city of New-York. The value of the land was \$2,500, of which sum one-fourth part (\$625,) was to be paid to the State. This sum was secured by a mortgage on the property, and the bond of said Carter, pursuant to the 26th section of the act.

The release was granted on the following grounds. Alexander Mitchell, who died seised of the land, was an alien. He left no child: but made a will devising all his estate to his wife Elizabeth, subject to an annuity of twenty dollars to the mother of the testator during her life. This will was attested by three witnesses;

[Assem. No. 386.]

but Elizabeth Mitchell, the devisee, being one of the witnesses, the will was not duly attested so as to pass real estate. It was executed before the Revised Statutes (requiring only two witnesses,) took effect.

Elizabeth Mitchell, the widow and devisee, notwithstanding the defect in the attestation of the will, continued in possession, and claimed the land and other property.

In 1831, Elizabeth Mitchell married Edward Addy, having first entered into a contract by which the control of a part of the property was secured to her, notwithstanding the intended marriage, and by which the said Joseph Carter was made a trustee for the said Elizabeth Mitchell. She was also authorised to devise a specified portion of the estate.

Elizabeth Addy died in 1832, having first made her will, and devised the estate to her mother, the said Isabella Fisher, and her cousin, the said Sarah Taylor. Joseph Carter was appointed executor, with power to sell the estate for the purpose of carrying the will into effect.

Isabella Fisher and Sarah Taylor, the devisees of Elizabeth Addy, applied for the release, and requested that the same might be made to the said Joseph Carter, for their benefit. The release was ordered according to the prayer of the petitioners.

In the original application, it was represented that Alexander Mitchell, (the alien,) at the time of his death, owed debts to the amount of \$1,100; that his widow, previous to her intermarriage with Addy, partly by her own industry, and partly by means of loans made on her own credit, had paid off a part of those debts, amounting to \$800, and that about \$300 was still due, exclusive of interest; that the persons of whom the money was borrowed, were in indigent circumstances, and entirely dependent on the same for their subsistence. The applicants asked that the amount of the debts (\$1,100,) might be deducted from the value of the land, (\$2,500,) and that they should only be charged at the prescribed rate on the balance. The value of the land, after deducting the debts, for the payment of which the grantee is liable by law, is \$1,400, and the amount to be paid to the State would in that case have been only \$350.

This part of the application was refused, because the Commissioners had no authority to grant it. See their report at the present session, Senate Documents, 1834, No. 34. In that report it was recommended, that the act of 1833 be amended, so as to authorize the deduction of debts from the value of the land; and an act has been passed for that purpose. This act only extends to cases which may hereafter arise.

The petitioners, in their present application to the Legislature, repeat the statement that the land is charged with the payment of the debts to a large amount; and that the said Isabella Fisher and Sarah Taylor are in very indigent circumstances, the land constituting their entire property. They pray to be released from some part or the whole of the mortgage.

On the principle which the Commissioners have already recommended, and which the Legislature at the present session has adopted, the mortgage ought to be reduced from \$625 to the sum of \$350. This cannot be done without a law for that purpose. Whether the petitioners ought to have any further relief, is not a question for the Commissioners to decide.

Edward Addy, who married the widow of Alexander Mitchell, remonstrates against granting the prayer of the petitioners. He represents that the will of his wife Elizabeth deprived him of some portion of the estate, which, in pursuance of the ante-nuptial contract, he ought to have received; that Joseph Carter fraudulently procured the making of the will, without his knowledge; that notice of the application to the Commissioners of the Land-Office was published in the city of New-York, in a paper of limited circulation, and did not come to his knowledge until after the release had been executed; that he has filed a bill in the court of chancery, and obtained an injunction prohibiting the petitioners from selling or interfering with the property; and that Joseph Carter has acted dishonestly through the whole transaction. He says, he "considers himself entitled to the bond and mortgage aforesaid, as a partial remuneration for the losses resulting from his aforesaid marriage, and the conduct of the said Joseph Carter."

On this remonstrance it may be remarked:

I. That Edward Addy never had any title to the land.

1. Mitchell was an alien, and had no power to sell or devise the land.

2. If he had not been an alien, his will, so far as it related to real estate, was void, for the want of a legal attestation. The Commissioners of the Land-Office, in ascertaining what person ought to have the release, took notice of the will, as manifesting the intention of the testator to give the estate to his wife; and they also noticed the fact, that independent of the will, his widow was better entitled to the favor which they were authorized to grant than any other person.

3. If the will had conveyed a legal estate to the widow, it would not aid the case of Addy, her second husband. They had no children; and on her death, the land would have gone to her heirs, if she had any, or escheated to the people. Addy had no legal interest whatever in the property. His wife devised the land to her mother and cousin; and although the devise conveyed no legal right, it furnished a reasonable ground for awarding to them the favor which is authorized by the act concerning escheats. It may be added, that independent of the will, the Commissioners were not then advised, nor are they now, that any other person was more meritorious, or better entitled to a release, than the mother and cousin, for whose benefit it was granted.

II. Whether Addy had notice of the application to the Commissioners or not, they are unable to say. Notice was published in the manner prescribed by law, in "The Weekly Messenger," printed in the city of New-York, and in the State paper.

III. In relation to the accusations against Mr. Carter, with which the remonstrance abounds, the Commissioners can only say, that Mr. Carter, at the time of the application for a release, presented a letter from a gentleman of great respectability in the city of New-York, of which the following is an extract: "The petitioners are poor, but worthy people; I have been acquainted with one of them (Mrs. Fisher) for several years, and believe her to be an excellent woman. Mr. Carter has acted throughout this business in the most disinterested manner. He is, as far as my knowledge of him extends, a gentleman of irreproachable character."

IV. What "losses" Mr. Addy has sustained in consequence of his marriage with Elizabeth Mitchell, the Commissioners are unable to state. The marriage was in June, 1831, and she died in August, 1832. It was stated in the original application, and the fact is not denied, that she left personal estate of the value of \$1,000, and upwards, which Addy has appropriated to his own use.

V. Why Addy should oppose the release of the whole or some part of the mortgage, is not easily seen. If he obtains the land by his suit in chancery, such a release would operate for his benefit. If he fails in that object, the release will not injure him, beyond what he may suffer in common with the rest of the people of this State, by the small public favor to be granted to two indigent women.

In conclusion, the Commissioners see nothing in the remonstrance of Mr. Addy, which would have led to a different result, had it been before them at the time the release to Mr. Carter was granted; nor any thing which should prejudice the present application for a discharge from a part of the mortgage.

Respectfully submitted.

GREENE C. BRONSON,

JOHN A. DIX,

A. KEYSER,

A. C. FLAGG,

Commissioners of the Land-Office.

Albany, April 17, 1834.

IN ASSEMBLY,

March 24, 1834.

REPORT

Of the committee on the incorporation of medical societies and colleges, on the memorial of Jesse Torrey junior.

Mr. Staats, from the committee on the incorporation of medical societies and colleges, to which was referred the communication of Jesse Torrey junior, relative to changing the manner of heating and ventilating the Assembly chamber,

REPORTED:

That they have had the subject under consideration. The plan proposed is one that has been and still is extensively used in most of our large cities, and with success; and your committee have no doubt but it may be applied to heating and ventilating the Assembly chamber beneficially; and were it not that a large amount has already been expended in fixtures for heating the same, your committee would be induced to recommend the adoption of Mr. Torrey's plan.

Your committee are aware that it is of the greatest importance to have a full and ample supply of pure air, for the use of those who are in a measure compelled to remain in the chamber for several hours in succession; and although they would recommend a free interchange of sentiment, they are decidedly opposed to an interchange of air from the lungs of one person to that of another.

Your committee have come to the conclusion that the evil complained of by Mr. Torrey, may in a great measure, if not entirely, be overcome by a free ventilation of the Assembly chamber every morning and evening, by raising the upper and lower windows of said chamber. The season having far advanced, your committee think any material change will be inexpedient at this time, and ask leave to be discharged from the further consideration of the same.

[Assem. No. 388.]

IN ASSEMBLY,

April 23, 1834.

REPORT

Of the committee on the militia and the public defence, on the resolution relative to the removal of the State arsenal in the city of New-York.

Mr. Ruggles, from the committee on the militia and the public defence, to whom was referred the resolution of this House of the 14th instant, directing them "to inquire into the expediency of removing the State arsenal from the city of New-York and selling the lot on which it is situated,"

REPORTED:

That they have examined the subject submitted to them in the above resolution with that attention which the importance of it demanded: that for the purpose of obtaining the best possible information in relation to the actual situation of the State arsenal in the city of New-York, the amount and value of the public property stored therein and the expense which would attend the removal of the same, the committee have procured the attendance of the Commissary-General, the officer having charge of the military stores of the State; and having obtained from him a full statement of all facts relating to these several topics, and also a development of the circumstances connected with the late riotous attack upon the arsenal and the seizure of the public property.

Deeming the facts detailed in the statement of the Commissary-General essentially important to a correct understanding of the questions involved in the resolution, the committee have considered it proper to annex to their report a copy of such statements made under oath. And they believe that the development in re-

lation to the recent attack, shows the necessity of some immediate legislative act, providing either for the removal of the arsenal from its present location, or for placing the present buildings in a condition to resist future aggressions.

Such an act is rendered necessary, not only by the consideration that a large amount of public property at that depot requires additional protection, but also, that the peace of the community and the preservation of the lives of our fellow-citizens demands immediate legislative action on this subject.

From a careful examination of all the circumstances connected with the situation of the arsenal, in regard to its location, the peculiar manner by which it is held from the corporation of the city of New-York, the large expenditure of money already made in buildings, and the additional expenditure necessary to effect its removal and establishment in some other place, the committee are of the opinion that a change of location at this time is inexpedient; and they therefore respectfully recommend that a suitable appropriation be made for the purpose of erecting a wall around the arsenal yard, and otherwise securing the buildings and property of the State connected with that depot.

For the purpose of carrying this design into immediate execution, the committee ask leave to introduce a bill in pursuance of the views herein expressed.

Your committee being impressed with the urgent necessity of providing by law for the punishment of those who may hereafter be found guilty of the enormities described in the Commissary-General's report, beg leave also respectfully to recommend the adoption of the following resolution:

Resolved, That it be referred to the committee on the judiciary to inquire into the expediency of providing by law for the punishment, by fine and imprisonment, of any person, or persons who may forcibly enter any arsenal, armory, or arsenal yard, or seize or take away the arms and ammunition, belonging to this State; and that said committee be authorized to report by bill or otherwise.

DOCUMENT.

REPORT

Of the Commissary-General to the committee on the militia and the public defence, in relation to the arsenal in the city of New-York.

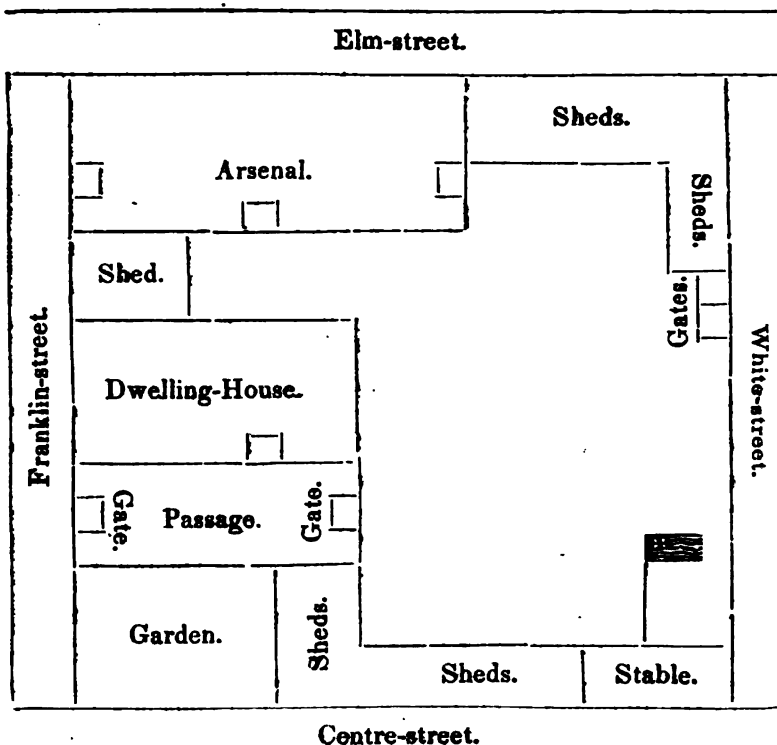
STATE OF NEW-YORK, }
COMMISSARY-GENERAL'S OFFICE. }

Albany, April 21st, 1834.

In compliance with the directions of the Honorable the committee of the House of Assembly, on the militia and the public defence, I respectfully submit the following statement of facts in relation to the actual situation of the arsenal at the city of New-York; and with a view to enable the committee to decide more understandingly upon the expediency of removing the arsenal from the city of New-York, I have deemed it my duty to state the facts connected with the proceedings and conduct of a mob, who riotously attacked and entered the arsenal, and seized the public arms, on Thursday, the 10th day of April instant.

To enable the committee to understand the locality of the arsenal, I subjoin a diagram, minutely showing the situation of the premises:

DIAGRAM OF ARSENAL.



The arsenal and its immediate premises, are bounded on the north by White-street, on the south by Franklin-street, on the east by Centre-street, and on the west by Elm-street. The arsenal is built on Elm-street, and extends from Franklin to within fifty feet of White-street, and on these fifty feet on Elm-street, there is a brick wall, against which a shed is erected. From the shed last mentioned on White-street, there is also a shed erected, called the "Harness Post," which extends to the large gate; next to this is a small gate, always in use, to gain access to the premises. From the latter gate, the fence is of boards, which is both old and weak. The stable and sheds on Centre-street are of the same material, and in a similar condition as the fence on White-street. The sheds and fences on Franklin-street are of the same description and condition as the others. An infuriated mob of one hundred men could lay the fences and sheds prostrate in a very little time.

The arsenal is about forty feet wide, and has three entrances on the first floor; the north and south doors are for cannon, and a centre door on the east side, opening into the yard, is the usual place of ingress and egress to and from the building. The doors of this

story require some repairs to render them secure. An entrance cannot be effected through the windows of the lower story, except perhaps through the south window on Franklin-street; a few iron bars will, however, render that secure. The second story has two doors, one at the north gable and the other at the south gable end; one, or both require to be replaced by new ones. The windows of this story should be barred with iron, and in this manner this apartment will be made secure. Iron bars should protect the gable end windows of the garret, and also of the scuttle holes.

These premises, it is presumed, cover nearly an acre of land. The title is in the corporation of the city of New-York; the State is to possess the land as long as it is required for military purposes.

The arsenal building is of brick, and the dwelling house also; they may have cost the State for erecting them, ten thousand dollars.

There are now housed at the sheds of this arsenal twenty-two pieces of field ordnance, in the possession of artillery companies in the city of New-York; and in case of the removal of the arsenal, the State will have to provide necessary accommodations for them, together with nine tumbrels, six caissons and one baggage wagon, and about ninety sets of harness, now in their possession, which will require a considerable building, should the arsenal be removed. In addition, the State magazine situated three and a half miles from the arsenal, on the island, must also be removed.

The practice at this arsenal in relation to locking up the premises, is as follows: At noon the work people all leave the premises, and repair to their respective boarding places. The centre door of the east side of the building is locked, and the key is put through the bars on the inside sill of the window, next to the door, and on the right facing the door, and the shutters are then closed on the outside. This rule is now changed in consequence of the attack upon the arsenal, hereinafter mentioned. The superintendent then sees the men out, and locks the gate on the outside in White-street, and takes the key with him. Access to the premises is thereby debarred. It can be obtained at such periods, either by climbing the fences, by forcing the gates, or by passing through the dwelling-house, or gate, on Franklin-street near the house, which is generally kept bolted.

Since the late outrage, I have directed the doors and gates to be closed and locked, and drill parties for military practice to leave the premises at sundown, and the keys to be delivered into the office at that hour.

A full detail of the public property in this arsenal will be found in the report which I have made to his Excellency, the Commander-in-Chief, and which he communicated to the honorable the Legislature, on the 9th of January last. (See Assembly Documents, No. 79.) I estimate the military property in this arsenal, exclusive of the buildings, to be worth at least \$350,000; in this estimate, 12,000 muskets and rifles, swords and pistols, are included. These arms are in readiness for use. Recent events have demonstrated that immediate measures should be adopted to furnish additional security for this large amount of property.

Located as the arsenal is, in a densely populated part of the city, it is necessarily exposed upon occasions of great public excitement, and unless strengthened, is in danger of being again forcibly entered, and furnishing the means of attack to those who design insurrectionary measures. The late election for mayor and charter officers in the city of New-York produced an excitement such as has never been witnessed on any former occasion; with all the rage and fierceness manifested, the seizure of the arsenal and public arms was an act so diabolical in its intent, that the announcement of the fact that such a measure had been resorted to was received with astonishment and indignation by all parties. I feel called upon by a sense of duty to detail the facts connected with this nefarious and high handed procedure, with the view that suitable measures may be adopted by the proper authority for the prevention of a recurrence of similar acts, and for the punishment of future aggressors.

On Thursday, the 10th of April, being the last day of the election, after the hour of noon on that day, and after the work people had gone to their meals, and when the gates of the premises were locked and the Commissary-General was from home, a mob, which I have ascertained came from Masonic Hall, appeared before the gates of the yard, in White-street. The fence was scaled by one of them, and the small gate was forced open by the forcing and breaking of the lock, when the mob entered on the premises. Some approached the rear of the dwelling-house and others inclined towards the Arsenal door, on the east side. My son met those nearest the dwelling, who demanded the key of the Arsenal of him to get arms. A shout "*the key*," came from near the window of the arsenal where the key had been placed, evincing that they had possession of the key. They instantly unlocked and opened the door, and a party of them entered and ascended into the second story, and seized a number of muskets. While these proceedings were had, the carpenter of the yard, who boards in the immediate vicinity, seeing the mob, attempted to get in at the gate, but could not for the rush that was making; he therefore ran round to the dwelling-house; got into the yard and door of the arsenal, and there remained in company with my son, while those within were arming themselves. The muskets are kept on the second floor. The persons within descended, some with one musket others with two. As they had all passed out, the door was quickly closed, and the key, which had been left in the door by the mob, was as quickly turned and withdrawn by the carpenter, and handed to my son, who dexterously slipped it into his pocket and made off. He was making his way to the dwelling-house, when two persons in possession of muskets stopped him, offered him their muskets, which he accepted, when some of the mob called to him for the key. He answered by the query, "have you not got the key among you?" and while the questions, "where is the key?" "who has got the key?" were making, he slipped into the house with the key and the two muskets. My wife having watched the proceedings of George my son and Cornelius the car-

penter through the window, and finding George had still possession of the key, bid him speed with it and find his father, and announce what had been done, what was doing, and what her situation was.

In company with James J. Roosevelt, Esq. in Franklin-st. between Church and Chapel-street, I met a company of three or four gentlemen who inquired whether I knew that the arsenal was assailed by a mob; I was incredulous to such a transaction, but my son coming up to me at that moment, confirmed the statement, handed me the rescued key, and while on our way homeward related the particulars of the transaction. The gentlemen referred to offered to accompany me over to the arsenal; I accepted the proffer, and allowed them to pass into my dwelling.

On my arrival at the dwelling-house I found some of the females of my family under a great state of alarm. I endeavored to calm them, told them not to be alarmed, and to trust to my prudence for their safety. My wife briefly related to me the audacity with which they had come to the house, and stated that after my son left, several infuriated persons came there and in a menacing manner demanded of her the key of the arsenal; they, among other things, saying "they would not hurt her, if she would give them the key, but that *she must beware of the consequences of refusal.*" Indignant at the impudence of the lawless conduct pursued, that she had declared herself utterly regardless of the consequences, denouncing them as men of no principle to threaten her in a house full of females, for not violating her duty to her husband in his absence, and as a reproach she had called them "Clay men!" She said that a fellow with a claret colored coat on, was the most impudent among them; that he in answer to her reproach said in the most scornful manner, "we would scorn to be Jackson men, we are determined to have the key and arms;" that she had told them they could have neither until her husband came in, that he had been sent for and was momentarily expected; that they then agreed to wait.

My wife has since assured me that the fellow with the claret colored coat on, after the second assault on the arsenal had been made and he had obtained possession of a musket and bayonet, came before the window where she stood, exhibited his musket in derision, and made a bow of impudent triumph!

Having thrown off my over-coat, I looked through the window at the furious multitude I was to encounter, and saw among them some twenty or thirty muskets at a shoulder. It appeared to me that at that moment their number was about four hundred. I promised my wife and daughters to be prudent and wished them to be calm, and prepared to mingle with the riotous assemblage. Upon approaching them I found to my surprise that most of those present were well dressed and apparently respectable persons, many of them middle aged, but most of them young men and boys. I recognized Gen. Robert Swartwout among them, apparently acting as a leader. Upon subsequent inquiry, I have ascertained to my entire satisfaction, that the following persons were among the riot-

ers, and were principal originators of the mad project of seizing the arsenal and arms, and those who behaved the most turbulently in the whole affair. It is proper to add that I have taken considerable pains to investigate this matter and procure the names of the individuals concerned, and I have the most satisfactory evidence respecting the agency and violence of these individuals, namely: Silas E. Burrows, Redwood Fisher, Robert Swartwout, Simeon Draper, Alexander Welsh, Baldwin Gardner, William Harrington, Capt. Johnson, Charles Morse, William Muir, Theodore Maltby, Lorenzo Dunham, G. W. Simmons, Mr. Hannah, 57 Maiden-Lane, D. Seymour, James Anderson, Mr. Barnes, James Simonson, Joseph Moon, John Sands, John Rhue, James Charles, Philip Jonas. I walked towards the nearest man who had a musket and declared that these proceedings were outrageous and insurrectionary, and requested the arms taken to be delivered up to me immediately and before I would listen to any overtures from them. Some three or four surrendered their muskets, when "No, no," was repeated with the exclamation, "we want arms to defend ourselves, we will have them." "Give us the key." "More arms!" "we will have them!" "we have a right to them!" Defend yourselves! against whom? I inquired. "Against the mob now outside and pressing to come in," was answered. I assured them that there was no such mob on the outside, and no necessity for arms, and that the key they should not have. I said that I believed that they were at present the only disturbers of the peace of the city, and ought to be at home in their own wards, and not here in the 6th ward. A man stepped up to me and inquired whether this was a United States arsenal (this man afterwards informed me his name was Johnson,) and whether I was a United States officer? I answered No, it is a State arsenal. Gen. Robert Swartwout said to me, "*you are a State officer?*" I answered, I am, and have by legislative authority the control of the military stores and ordnance of this State. Johnson stated that they wanted arms to defend themselves, and insisted upon having them. He said, the mayor is nearly killed, several persons have been killed; that the United States troops in the harbor of New-York had been sent for. He asserted that all mangled and bloody, the body of the mayor he had helped to take into a house in Reed-street; that Gen. Scott had been consulted and told them that death from the fire of soldiery on a mob, without the presence and order of a magistrate, was murder. Is it so? demanded Johnson of me. It is, I replied, unless the fire is in self-defence. We want arms in self-defence, was his answer. But you are a mob, and not known to the laws, I replied! Let a legally constituted company of militia bring me a written order from the mayor to furnish them arms, stating the necessity for their issue, and I will obey that order, but I will not obey you. The mayor has been spoken to, said one. The mayor has sent us here, said another. Gen. Robert Swartwout asked whether I would yield arms to the written order of the mayor. I told him I would give arms to an organized corps by the mayor's order. We are citizens and have a right, was said. I know you

only as a mob, said I. Gen. Swartwout said he would go and see the mayor, and went into the crowd. I was now closely pressed by a number who vociferated, "give us the key."

Being hustled severely by them, I emphatically refused to give up the key! Some person took hold of me and said a magistrate was at the door of the house, who wanted to see me immediately. I proceeded towards the house, and when near the back stoop, found that I was followed by several of the desperate gang. They seized me on the stoop; two of them collared me with iron bars in their hands; they shook me violently and menacingly, and fiercely again demanded the key. Beginning to lose all patience with the insolence and violence of these persons, I declared that if they struck me I would strike back, but the key I would not give them. I now noticed that the man who held me by the right collar of my coat with his left hand, held an iron bar in his right hand, and had a claret colored coat on! These two iron bars are now in my possession.

They then threatened to break into the arsenal and to arm themselves. Do it, said I, at your peril. They then left me and commenced their assault on the arsenal. The party with the iron bars used them at the door and the lock; a man with a long iron bar about six feet in length, from a shed on the left of the door, assailed the hinges of the second story window. A tall man placed himself on the stone sill of the window on the right of the door, and supported himself there by holding fast of the iron bars, while a lad in a blue dress of sailors' clothes, with the aid of others, got up on his shoulders, and so reached the only opened window shutters of the second story. The lad pushed up the sash and entered the building amid deafening shouts of applause from the infuriated mob below, when he began to pass out muskets. Another or two succeeded in getting into the same window by the same means. An old ladder was now found and placed against the arsenal, so as to enter through another window, the shutters of which were thrown open. I inquired the name of the man who went up the ladder, and was informed that it was Philip Jonas, and I have no doubt that he was the man. Muskets were delivered from the second window opened. "Open the door" was vociferated; an attempt was made to force the middle door open from the inside, but did not succeed. Some one said that the raising of the bar on the north door would open it, and I believe it was William Muir, for he was very active at this time; the north door was tried and opened, and a rush for arms was made from that quarter. Belts were called for, and some one answered "look in the garret for them." I believe this also was William Muir. A man on the shed near Elm-street, at the corner of White-street, was seen to be very active at this time, haranguing those on the outside, and saying, among other things, "*the friends of the Bank can have arms,*" and aiding such to clamber up the shed as offered to mount it. On inquiry, I learnt his name to be "Silas E. Burrows!" I am well satisfied he was the man. Another man with a shouldered musket harangued the armed and arming mob within the yard, standing

on the bench seat against the arsenal, and near the northern gable end. He talked of "liberty, good order, and the public peace." I inquired who he was, and was told his name was "Redwood Fisher," and I believe he was the man.

Captain Johnson being armed with a sword, flourishing it over his head, called out with others, "fall in," and an attempted formation in rank entire, was made. Some discussion was had, and the rank broke up. The "fall in" command was renewed. They formed again, and then wheeled to the right in column. Muskets, swords, pistols, banners and drums were displayed. Anxious for their safety, and that of my fellow-citizens in general, and presuming that they were about to march out with all their fool hardiness, I urged some friends to endeavor to prevent so rash an act, by representing what I sincerely believed would be their fate, that they would all be murdered in the streets by the citizens, without distinction of party. I endeavored to dissuade them from the attempt, and begged a friend to run to the mayor's office and report these insurrectionary and outrageous proceedings to him; to state my fears of the result, if the rioters should leave the yard, and to urge the mayor to come to the arsenal, to aid me in getting the arms returned and the premises restored, and to furnish me with additional protection for the military property of the State.

My apprehensions of their marching out, however, were soon removed, from the fact that when the words, "here they come," was vociferated by some one in the mob, the head of the column having charged bayonet, the rear and right centre broke, wheeled about individually, some leaving their muskets, and others with muskets in their hands sought safety in flight towards the dwelling-house on Franklin-street. The panic having subsided, they formed again. At this moment alderman Dennis McCarthy, of the 6th ward, inquired for me, and I met him at the street door; we repaired together to the yard. He spoke to the armed mob, and assured them the mayor had not been injured; that all disturbances had ceased, and the public peace was restored. The leaders of the mob treated the alderman in the most insulting manner; and the individual in the claret colored coat was offensively impertinent to him, when he withdrew. Alderman McCarthy's demeanor and language upon this occasion was mild and conciliatory, and comported with his duty as a magistrate bound to promote good order. Indeed, at the time I was surprised at his forbearance and moderation under the abuse and opprobrious epithets showered upon him by the several infuriated persons in the mob. Justice Lowndes, of the police, now appeared in the yard and spoke to the mob. Col. Jackson, of General Morton's staff, announced to me the orders of the mayor to repair forthwith to the mayor's office. I hastened to obey, and received the assurance at the same time, of a capt. Hoyt, an officer appointed, as he said he was, (though not armed as I saw) of this armed mob, that "if I would repair to the mayor's office, he would endeavor to prevent them (the mob) from marching out till I returned." He informed me that they came from Masonic Hall, and that he was present at the time of their departure from that

place. I thanked him without knowing what authority he might have, for I was as to their disposition, to march out, (whatever it might have been ten minutes before) now well satisfied that they believed that they, with arms in their hands, would be less safe in the street than in the arsenal yard.

I repaired to the mayor's office; he inquired whether troops were necessary at the arsenal; I answered, they are, both to restore confidence and ensure safety even to the rioters themselves. He asked, what do you want of me? I replied, I want your aid to get possession of the State arms in the hands of the mob at the arsenal yard, who have forcibly seized on the State property, and set my appointment by the constituted authorities of this State at defiance. The mayor said he would go with me immediately, and endeavor to get the arms and property restored to me, and asked whether the whole of General Morton's division should not be ordered out at the arsenal. I assented, and the corps was accordingly assembled under arms at the arsenal yard during the latter part of the afternoon.

The mayor, accompanied by magistrates and officers, appeared at the arsenal yard, and mounted a bench seat near the centre pump, close to the side wall of the arsenal, from which he addressed the armed mob. The mayor was hissed by some of them, and others cried out, "hear him!" "hear him!" He at length was heard, and he feelingly admonished and urged them to restore the arms of the State, and leave the premises, as the best mode for restoring the peace and security of the city. The mob finally consented to give up their arms, and turned them into the first floor of the arsenal. Some forty or fifty muskets were discharged in the air before they were returned by the mob, and about the same number were turned in loaded. The ammunition which they obtained in the arsenal was two powder horns full, which had been intended for the priming of two six pounders, in firing a salute on the battery by the troop of horse artillery, under the orders of capt. White, in commemoration of the erection of a flag staff at that place, and the display of the city flag by the corporation of New-York about the 3d of April, instant, which from the inclemency of the weather on that day did not take place. The troops paraded, but returned the priming and cartridges unused. This powder for priming was all the mob obtained at the arsenal.

On receiving notice from the committee to repair to Albany, I directed eleven of the loaded muskets to be drawn, and the contents separately placed on papers. Eight of these eleven charges I have brought with me, and left them at the room of the committee, where they can be examined. None of these contain any lead. The first charge examined contained a large charge of powder, two wads and five stones as large as the barrel of the musket would receive. The second a large charge of powder, wads and twenty-three nails, large and small. Third, a stone and a marble. Fourth, eight stones. Fifth, seven stones. Sixth, several wads and two stones. Seventh, twelve stones. Eighth, two stones. I took possession of the arms and arsenal as soon as the arms were

turned in, and requested the insurgents to withdraw. In the yard I met with Capt. Johnson, but not knowing his name I now demanded it of him, assuring him after he gave it to me that I should not forget him. I also met the individual in the claret colored coat, and spoke to him, but he evinced that he was craven! I gave him distinctly to understand that he would hear from me. Thus ended this infamous outrage, without cause for its perpetration and beyond the power of justification!

Having understood that the abettors in this transaction seek to justify their outrageous proceedings under the pretence that the mob who took possession of the arsenal and seized the public arms did so from a desire to anticipate the electors of the sixth ward, who they supposed intended a similar movement. I am compelled to state, both from my own observation and the most diligent inquiry, that such assertion is totally unfounded: and that the leaders of this mob were the same individuals who, at Masonic Hall, *planned* and *organized* this glaring violation of law and order, and am, although reluctantly, impelled to the conclusion that no circumstance had arisen to justify or palliate the enormity of the offence. Indeed, from subsequent investigation, I am induced to believe that the project of taking forcible possession of the arsenal was conceived and matured with much deliberation, and was intended to have been carried into effect at an earlier hour of that day.

The fact that the mob virtually admitted that they were not residents of the sixth ward, indicates that they had assembled by a preconcerted agreement from various parts of the city to consummate their illegal design.

In conclusion, I beg leave respectfully to suggest the propriety of an appropriation being made for the purpose of placing the arsenal, sheds and fences in such a condition as will render them hereafter secure; and that provision be made by law for the punishment of those who may be guilty of similar outrages.

Upon a review of all the circumstances, I am convinced that it is inexpedient, at this time, to change the location of the arsenal in the city of New-York.

Respectfully submitted,

HENRY ARCULARIUS,
Commissary-General.

IN ASSEMBLY,

April 23, 1834.

REPORT

Of the select committee on the engrossed bill entitled "An act to incorporate the Schenectady Savings Bank."

Mr. Myers, from the select committee to whom was referred an engrossed bill, entitled "An act to incorporate the Schenectady Savings Bank," with the amendments of the Senate made thereto,

REPORTED:

That they have had the same under consideration, and recommend that the House may concur with the Senate in all of those amendments excepting section 19th of the original bill, which section is stricken out by the Senate: and they believing that no monied institution should be incorporated with powers to receive on deposit money to an unlimited amount, have drafted and annexed to said bill, as section 16, a new section, limiting the amount to be received by said company on deposit to five hundred thousand dollars, which your committee believe should be passed as an amendment to said bill; and take leave to say that they can not discover the necessity or policy of the Legislature granting to such incorporations more extensive powers. It may be said, as the Legislature in all of these acts incorporating monied institutions reserve the right to alter, amend or repeal them; but experience has for the last few years shown that it is much easier to increase, if found necessary, the powers of a monied institution than it is to restrict them. One great monied institution is now measuring strength with the general, and another with your State governments. The first to compel Congress to renew its charter, and the latter to prevent the State Legislature from limiting its powers within something like reasonable bounds. If your committee rightly understand the object of

[Assem. No. 390.]

savings banks they are intended for the benefit and convenience of the poor; that those who get them up and undertake the management of them are charitable and disinterested persons, who do not expect to receive any personal advantages from such establishments.

It is to be taken into consideration whether the limit of \$500,000 will or will not be as large an amount as necessary to promote the interest and convenience of a town or neighborhood; if it is not, let us still increase the amount, but it does appear to your committee that the power to receive should be limited to some given amount; and it is the opinion of your committee that the amount provided in this bill is now ample for any useful purpose: because the poor of a large district may, for many years, have a safe place of deposit, before such amount could be accumulated by their honest industry; and when, if ever the amount of \$500,000 shall be accumulated, it would tend more to the convenience of the poor to have a new institution established, in another town or district, nearer to, and consequently more convenient to the depositors: and in addition to the above, the House, by a vote of 90 to 5, declared its determination that another institution should not exercise unlimited power as to the amount to be received on deposit. Whenever large amounts of money are accumulated from the mass of the people, and placed under the directions of a few individuals, it creates different orders of society, unfavorable to the principles of democracy, equality and civil liberty. Those that have the command of large sums of money, whether their own or belonging to others naturally become aristocratic and proud, which feelings should rather be checked than encouraged in a republic.

All of which is respectfully submitted.

IN ASSEMBLY,

April 25, 1834.

REPORT

**Of the committee on the judiciary, on the petition of
Henry Hill.**

Mr. Haight, from the committee on the judiciary, to which was referred the petition of Henry Hill, of the county of Otsego,

REPORTED:

That the petitioner complains of a section in the law of 1831, in relation to the evidence required to issue attachments against absconding debtors, and details at some length the history of a cause in which he was a party. The section complained of, or so much of it as is necessary to this question, is in the following words: "The plaintiff shall, by his own affidavit or that of some other person or persons, prove to the satisfaction of the justice the facts and circumstances to entitle him to the same;" referring to the attachment. The obvious intention of the section is to transfer the adjudication upon the facts from the party to the court to which the application for the attachment is made. By the facts and circumstances, is clearly intended the evidence upon which the court is to decide whether the plaintiff is entitled to an attachment, and whether this summary process should be issued. The affidavit referred to in the petition stated the conclusion which the court should pronounce, instead of furnishing facts upon which a judgment might be predicated. The petitioner deems the law obscure because his counsel came to a different conclusion from the opinion expressed by the counsel for the plaintiff; and because the court before whom the cause was tried concurred with the counsel for the plaintiff; and because the common pleas of Otsego county are equally divided. In relation to the last reason your committee are

informed it is not true as a matter of fact, the cause not having yet been presented to the court. But if all the reasons assigned by the petitioner were true as matters of fact, your committee should not deem it conclusive evidence that this section of the statute ought to be amended. Your committee would deem any difference of opinion, as to the meaning of that part of the statute referred to, rather as an evidence of the incompetency of those charged with the administration of the law than any defect in the law itself. Your committee are unable to perceive any obscurity in the language, and they think there can be no doubt as to the intention of the Legislature. If any expression of opinion was necessary by the Legislature, that necessity is obviated by a recent decision of the supreme court, reported in 10 Wendell, page 420.

The name of Mr. Bowne, a member of this House, seems somewhat unnecessarily to have been introduced into this petition, and it is due to Mr. Bowne to say that your committee perceive nothing in the facts, as ascertained by your committee, to question the professional integrity of Mr. Bowne, and as to the opinion expressed by him, it is more a matter of surprise that any lawyer should have thought differently, than that he should have formed and expressed the professional opinion imputed to him. Your committee are unanimously of opinion that the prayer of the petition be denied.

IN ASSEMBLY,

April 23, 1834.

REPORT

Of the committee on two-third bills, to which was referred the act, entitled "An act in aid of the Central Asylum for the Deaf and Dumb," and also the act, entitled "An act in aid of the New-York Institution for the Blind."

Mr. Haight, from the committee on two-third bills, to which was referred the act, entitled "An act in aid of the Central Asylum for the deaf and dumb," and also the act, entitled "An act in aid of the New-York Institution for the blind," for the purpose of inquiring whether the concurrence of two-thirds of all the members elected to both branches of the Legislature is necessary to the passage of said bills,

REPORTED:

That the bills referred to your committee are each accompanied by a resolution of the honorable the Senate, in the words following:

"Resolved, That in the opinion of the Senate it requires the votes of two-thirds of all the members elected to the Legislature to pass this bill."

Your committee having come to the conclusion that the opinion expressed in the above resolution is not a correct construction of the ninth section of the seventh article of the Constitution, deem it due to the occasion and to themselves, briefly to suggest the reasons for their dissent.

The act in aid of the Central Asylum for the dumb, appropriates by the first section \$1,000 to the erection of buildings to accom-
[Assem. No. 392.]

moderate the pupils for whose maintenance and instruction the second section provides. By the second section, the directors, in addition to the pupils they are now authorized and required to receive by law, are authorized and required to receive from each of the Senate districts of this State, three indigent deaf and dumb persons, in like manner and at the like expense to the State as is provided by law for the support and instruction of the indigent deaf and dumb at the said asylum. And the said deaf and dumb persons or *State pupils*, &c. are to be instructed as provided for in the section. The inquiries to be made are: 1st. Does this bill appropriate the public moneys or property for local or private purposes? and 2d. Does it continue, create, alter or renew any body politic or corporate? The bill appropriates the public money, but not certainly for a local purpose. The appropriation is to erect buildings for those who are to be the objects of State charity. They are not to be taken from any particular district or community, but an equal number from each Senate district. The benefits and advantages are general and not local. The institution is a State institution, and is so regarded in the act of incorporation.

This institution was incorporated in 1823, and the act of incorporation is to be found in the laws of that year, at page 224. By the act of incorporation, one thousand dollars was appropriated, three hundred dollars of which to be expended in erecting a building, and the residue to the support of indigent deaf and dumb persons, whose parents were unable to support them, at the said school. The institution was created and endowed by the State at the same time: it is, therefore, to be regarded as a public or State institution.

By the ninth section of the act aforesaid, the inability of the indigent deaf and dumb to support themselves, is to be determined in the manner particularly specified in the fourth section of the act, entitled "An act to provide for the instruction of the deaf and dumb within this State," passed April 16, 1822. It will be perceived that by this section, application is to be made to the overseers of the poor where the applicant resides, and upon their certificate the pupil is admitted to the bounty of the State. The Central Asylum, and the New-York Institution for the instruction of the deaf and dumb, are the almoners of the bounty of the State to this unfortunate class of our fellow-citizens, and the distribution of the public charity to this object is as general as it is in the power of legislation to make it.

Laws for the erection of State penitentiaries have never been deemed local or private, and no reason occurs to your committee why the erection of a building for the accommodation of any class of our unfortunate fellow-citizens should be regarded more as a local or private object, than such as are intended to confine the offenders against the laws. Local and private purposes is used in the Constitution as distinguished from general and public objects. By local, is understood that which is confined in its influence and its benefits to a particular territory or portion of the State, in which the residue have no participation.

By private purposes, is understood those in which the community have no common interest, but which tend mainly if not exclusively to the advantage of one or more individuals or bodies corporate or politic. Your committee cannot yield to the conclusion, that a public charity is a private purpose, any more than they can that the erection of a building to aid a public charity is a local object.* Your committee perceive nothing in the bill under consideration, altering, renewing or continuing a corporation. The utility of the corporation is extended by the bounty of the State, its means of usefulness enlarged, but no change is effected in the organization of the institution. The State sends its pupils, and prescribes how they shall be selected, and provides for their support. No new powers are granted; they could receive the pupils without this bill; all that the bill provides for is their maintenance, without which the asylum could not take them, not for want of corporate power but pecuniary ability.

The act in aid of the Asylum for the blind, depends, in the judgment of your committee, mainly upon the same principles. It is not supposed to be distinguishable from the bill already considered, though there is more reason to doubt whether it is not within the constitutional provision before mentioned, requiring the concurrence of two-thirds of the Legislature to the passage of the bill. This act appropriates \$12,000 to the purchase of a building and ground for the use of the asylum, and provides for the maintenance and instruction of eight indigent blind persons in like manner and at the like expense to the State as is provided by law for the indigent deaf and dumb. A brief reference to the statutes providing for the indigent deaf and dumb, is necessary. The law of 1822, for the instruction of the indigent deaf and dumb, was limited to four years,

* See Report of Attorney-General, in the case of Enos Stone, page 4. Assembly Documents, 1834, No. 381.

and was afterwards extended by a law, passed in 1825, (Laws of that year, page 262,) for the term of five years from May 1st, 1826. In 1831, (Laws of that year, page 190,) the Central Asylum was authorized to receive three pupils from each Senate district, upon the terms and with the rights and privileges contained in the 5th section of the act of 1825, and the act was limited in duration to five years. In the same year, the New-York Institution for the blind was incorporated. In 1832, (Session Laws, page 401,) an act was passed amending the act of 1822, and providing for admissions of pupils at the public expense into the institution for the instruction of the deaf and dumb.*

It is apparent from all the legislation on this subject, that these institutions have been regarded as they in truth are, public institutions, diffusing their benign effects over the entire State. The institution in New-York was incorporated in 1817. In 1819 two acts were passed, one giving to this institution certain penalties, if recovered, for infractions of the act concerning lotteries, another appropriating \$10,000 from the treasury. In the session of 1820, '21, \$2,500 were appropriated in the supply bill. Appropriations were made to this institution and to the Central Asylum, at different times since the one above mentioned, and the whole course of legislation has regarded these institutions as under the influence and patronage of the State, as public institutions, and not private incorporations.

So far as precedent is concerned, it appears they are both ways. In 1825, and 1827, bills appropriating to the deaf and dumb asylum, passed as two-third bills, and in 1831, a bill making an appropriation for the maintenance of students at the Central Asylum, passed as a majority bill. In 1831, the question was presented and discussed on an appeal from the decision of the Speaker, who held that a bill, making an appropriation to the Central Asylum, was a majority bill. The decision of the Speaker was sustained by a large majority, and the bill passed as a majority bill. It also passed the Senate as a majority bill. Your committee regret that the time allowed them for investigation is not sufficient to have so maturely considered this subject as under other circumstances they might have done. Believing, however, their conclusions correct, they should regret that appropriations for objects so laudable and philanthropic as those in question, should, by constitutional construction, be declared of a local and private nature.

*See Revised Statutes, vol. 1st, page 497. These institutions are subjected to the visitation of the Superintendent of Common Schools.

It is, however, with great diffidence that your committee have dissented from the opinion of the honorable the Senate, but as their resolutions are in their character legislative and not judicial, your committee have felt bound to construe the Constitution as they understand it; and they offer the following resolution:

Resolved, That it be respectfully submitted for the reconsideration of the honorable the Senate, whether the bill, entitled "An act in aid of the New-York Institution for the Blind," and the bill, entitled "An act in aid of the Central Asylum for the Deaf and Dumb," require the concurrence of two-thirds of the members elected to the Legislature, to pass the same,

No. 393.

IN ASSEMBLY,

April 25, 1834.

REPORT

**Of the Commissioners of the Land-Office, on the
petition of Justus Gay.**

TO THE ASSEMBLY.

The Commissioners of the Land-Office, to whom was referred the petition of Justus Gay, in behalf of Mercy Shaw, submit the following

REPORT:

The petitioner sets forth that he has been employed and legally empowered by Mercy Shaw, of the town of Hillsdale, Columbia county, the heir at law of John Shaw, a revolutionary soldier, of the second regiment of the New-York line, to apply for some remuneration for lot No. 63, in the township of Pompey, which was drawn by her father, the said John Shaw, and which has since been taken possession of by the people of this State, under the laws in relation to escheats, and sold by them.

Accompanying the petition is the affidavit of Lydia Shaw of Ghent, Columbia county, who swears that she is the widow of John Shaw, deceased, that she was lawfully married to him, and that sometime subsequent to the marriage, "he enlisted as a private soldier in the second regiment of the New-York line, and in captain Walker's company; that said enlistment took place some time in the spring of 1778, and he was discharged some time in the fall of the same year, on account of sickness and inability to serve."

She further swears, that she has been informed and believes, that her husband drew, for his services in the army, lot No. sixty.
[Assem. No. 393.]

three, in the township of Pompey; that letters patent were issued therefor, and that she has had said letters patent in her possession. She also swears, that Mercy Shaw is her daughter by John Shaw, and his sole heir at law; that in 1813, a suit was commenced in the supreme court of this State, in the name of said Mercy Shaw and others, to recover a portion of said lot; that she, the deponent, was present; that said letters patent were produced, and a verdict rendered by the jury for the plaintiffs; that said letters patent were left in the hands of one William Bush, who was the agent for conducting said suit, and she, the deponent, has not seen them since.

A release of her right of dower appears to have been executed by Lydia Shaw to Mercy Shaw, on the 14th of March, 1828, and by the latter a power of attorney, acknowledged on the same day, was given to Justus Gay, the petitioner, to obtain possession of the lot aforesaid; to settle and compound the claim of said Mercy with the occupants; to present any petition to the Legislature on account of said claim, and to do all other acts in relation thereto.

A certified copy of the minutes of a trial at a circuit court, held by Smith Thompson, one of the justices of the supreme court, in the county of Onondaga, in June, 1813, between James Jackson, ex dem. Wm. Bush and others, plaintiffs, and Joseph Matthews, defendant, also accompanies the petition, by which it appears, that the jury, without retiring from the box, found a verdict for the plaintiffs, with six cents costs.

The affidavit of Joseph Mather is also presented, who swears, as the aforesaid defendant, that the suit was brought to recover a part of lot No. 63, Pompey; that on the trial the plaintiff showed title in one John Shaw, deceased; and that the lessors of the plaintiff were the heirs at law of said John Shaw, and recovered upon the strength of said title, as proved. This affidavit bears date the 23d February, 1828.

The affidavit of James Baldwin, of Egremont, Berkshire county, Massachusetts, also accompanying the petition, sets forth, that the deponent, in June, 1813, was present at the trial before mentioned; that John Shaw was proved to be the soldier that drew lot No. 63, Pompey; that Lydia Shaw was proved to be his widow, and Mercy Shaw his daughter. He swears that he has known Lydia Shaw about forty years or more, and that, so far as

he has known or heard, she is considered a person of truth and veracity. This affidavit bears date the 18th February, 1833.

An affidavit of Benj. Becker and Major M. Tyler is also produced, bearing date the 13th February, 1833, and testifying to the moral character, truth and veracity of Lydia Shaw, widow of John Shaw, deceased.

The petitioner states, in his petition, that he has been informed and believes, that some question of law arose on the trial of the cause above referred to, on which a case was made by the defendant, for the purpose of having the same submitted to the supreme court; and that, owing to the death of the agent of the plaintiff, no counsel was employed to argue the said cause before the supreme court on the said case, and that judgment was accordingly given for the defendant by default.

It appears by the records in the office of the Secretary of State, that lot No. 63, in the township of Pompey, military tract, was drawn by John Shaw, of Capt. Walker's company of the second regiment of the New-York line, who was returned dead: that in the year 1820, said lot was recovered by the State as escheated land, and was granted to the occupants at what it was valued to be worth in 1800. It was appraised in 1821, and was valued to be worth, in 1820, \$3,830.30. The occupants paid for it \$1,189.60, the sum which it was valued to be worth in 1800, and \$156.31, the amount of costs and expenses of the survey and appraisement, making an aggregate of \$1,355.91. Both valuations were exclusive of improvements.

It is difficult to believe that a lot of so much value would have been allowed to revert to the State by escheat, if the title of the heir at law of the patentee was so clear as the petitioner represents it to have been; nor does the death of the agent of the party interested, a fact not established by proof, but resting merely on the information of the petitioner, appear to furnish an adequate cause for the silence which has been observed with regard to this matter during the last twenty years, and its revival now as the basis of a claim to a pecuniary compensation from the State. On the contrary, the presumption is a very strong one, that the law question referred to, if such a question was raised on the trial, was fatal to the plaintiff's cause, and that the judgment by default was submitted to, because it was considered hopeless to argue the case before

the supreme court. So important a trial must have been a subject of general notoriety, and it is very unlikely that the matter would have lain dormant so many years, excepting for a want of merits on the part of those whose interest it was to revive it. From the affidavit of Joseph Mather, it would appear that there was another party in interest besides Mercy Shaw; and no attempt is made to account by proof, for their silence during so long a period of time. The recollections of James Baldwin and Joseph Mather, the latter after fifteen years, and the former after twenty years subsequent to the trial, though they may have been distinct on some points, may be indistinct on others, which are equally essential to a correct understanding of the merits of the case. The verdict, if it was taken as stated by the petitioner, subject to a question of law, the decision of which may have been fatal to the cause of the party in whose favor the verdict was given, does not necessarily establish any thing, which can be set up as a claim to a compensation from the State on account of a subsequent recovery on the ground of escheat. If all the facts were disclosed, they might shew what may fairly be presumed from the present aspect of the case, that the plaintiffs in the suit referred to, had no legal interest in the premises.

The fact that the letters patent for lot 63, Pompey, were in the widow's hands, is deemed altogether unimportant. It is readily explained when it is considered that these evidences of soldiers' rights were always delivered to those who called for them, without inquiring into their authority to receive them; and as the names of persons to whom they were delivered, are a matter of record in the office of the Secretary of State, those who were desirous of setting up a claim to the lands thus patented, could easily trace the letters patent into the possession of the holders, and procure them for the purpose. These letters were delivered to W. J. Vredenburg, for Jos. Bindon, ad'm.

But there are other circumstances connected with this case, which have a very important bearing upon the testimony of Joseph Mather, whose affidavit has been referred to.

By the Assembly Journal of 1829, page 631, it appears that Joseph Mather presented a petition to the Legislature, praying to be compensated for money expended in defending the title to a lot of land in the town of Pompey. The report of the Commissioners

of the Land-Office, to whom the petition was referred, will be found at page 707 of the same Journal. The lot is the same, and the history of all the transactions connected with the prosecution of the escheat, the ejectment of the occupants, and the subsequent sale of the lot to them, is minutely given in the report. In his petition to the Legislature, Joseph Mather says, that "he was sued in an ejectment in the supreme court of this State at the suit of Wm. Bush and Mercy Shaw, who *pretended* to be heirs of John Shaw, the soldier who served for said lot." That he made search for testimony to support his defence, and on investigating the subject, found to his satisfaction that John Shaw, the soldier, who served for said lot, died during the war, and *without heirs*. He then states, that for reasons which he explains, he was not prepared at the trial of the cause, and that the plaintiffs obtained a verdict. But he adds, that he was "fully satisfied of the unjustness of the verdict;" that he made application and obtained *a new trial*; that he prepared himself to prove the title of said lot was in the State of New-York, by showing that the soldier, John Shaw, who served for said lot, died in the revolutionary war, and *without heirs*. The lessors of the plaintiff *being apprized of that fact*, did not proceed to the trial of their cause in pursuance of their notice, and therefore a judgment *as in case of non-suit, was obtained against them*." The petition, from which these extracts are made, is in the office of the Secretary of State, with a collection of original Assembly Documents.

Thus it appears that this witness, who was a defendant in the suit brought in 1813, by the pretended heirs of John Shaw, the deceased soldier and whose testimony is now produced to establish the claim of Mercy Shaw to be the heir at law of the soldier who was entitled to lot 63, not only found out to his satisfaction that John Shaw, the soldier, who served for said lot, died during the war, and without heirs," but he obtained a new trial on the ground of the unjustness of the verdict, and a judgment, as in case of non-suit, was rendered against the parties who brought the suit. His affidavit was made in 1828, and his petition was presented in 1829, within a few months of each other; but being intended for different purposes, the one is so drawn as to conceal all the important facts relating to this case, which are contained in the other.

This statement of the petitioner's witness, whom he should not be allowed to impeach, shows conclusively, what was inferred from

the admission of the petitioner with regard to a question of law said to have been raised at the trial, that this matter has been suffered to lie dormant, for the reason only, that the parties claiming an interest in the premises in dispute, had no title to them.

But there are, in the testimony furnished by the widow herself, difficulties of a more serious character. She swears that her husband, John Shaw, enlisted into Capt. Walker's company of the 2d regiment of the New-York line, in the spring of 1778, and that he was discharged in the fall of the same year on account of sickness and inability to serve. By referring to the register of the regiment, it appears that Benj. Walker was appointed a captain in the 4th regiment, on the 11th Nov. 1776; and there is no evidence of his having belonged to any other regiment until the year 1781, when by a consolidation of the regiments of the New-York line, under the resolution of Congress of the 3d Oct. 1780, he was arranged to the 2d regiment. By the pay-roll of the 2d regiment, in 1781, it does not appear that there was any person by the name of John Shaw, in Capt. Walker's company. The only evidence that there was such a man in that company, is the list of the dead of the several regiments, by which it appears that John Shaw, to whom lot No. 63 was allotted, died in 1782, four years subsequent to the time when the widow swears that her husband was discharged on account of inability. The inference, therefore, is, that the patentee of lot No. 63, enlisted subsequently to the date of the pay-roll above referred to, and subsequently to the discharge of the widow's husband.

By the register of the 3d regiment of the New-York line, it appears that one John Shaw enlisted on the 13th April, 1778, in Capt. Swartwout's company, for three years, and was discharged on the 20th of October of the same year, but for what cause is not stated. This is most probably the husband of Lydia Shaw. The dates of his enlistment and of his discharge, correspond with the time stated in her affidavit, and these coincidences afford the strongest ground for the supposition, that she may have failed in her recollection of the regiment and company, into which he enlisted. The error may readily be accounted for by the lapse of time, half a century, and by the circumstance that a memorandum annexed to the petition was made by the Deputy Secretary of State, in 1825, setting forth that lot 63, Pompey, was drawn by John Shaw, 2d New-York regiment, Walker's company, returned dead. In the natu-

ral anxiety to make out the strongest possible case, the facts supplied by her own recollection may have been confounded with those contained in the memorandum accompanying her affidavit. If her husband was the John Shaw who was returned as one of the dead of the 2d regiment, and to whom lot No. 63 was awarded, her account of his enlistment and discharge are altogether erroneous: and it would be very remarkable, too, while her testimony is so explicit on those two points, that no further account of him should be given. She might at least have set forth the time of his death, as the person to whom the lot in question was granted, was returned dead. If he was the John Shaw who enlisted in the 3d regiment, and was subsequently discharged, he was not entitled to any land. His enlistment was for three years only; and such soldiers as were enlisted for a period not commensurate with the war, or were discharged before the end of it, did not come within the provisions of the laws of this State, granting gratuities of lands for military services.

Her own testimony, therefore, may be considered as shewing that her husband was not-entitled to land, and that the soldier, to whom lot 63, Pompey, was awarded, is another man.

By the Assembly Documents of 1833, No. 306, it appears that the petitioner has already been before the Legislature with this claim, and it will be seen by reference to the Assembly Journal of 1833, page 693, that he had leave to withdraw his petition and the documents accompanying it. The committee, though Mercy Shaw was considered as having exhibited strong evidence of her being the heir at law of John Shaw, who drew lot 63, Pompey, say that the testimony produced by her is "not entirely free from doubt;" and they add, that there are other persons claiming to be heirs at law of John Shaw, *the* soldier, and who is alleged to be a different person from Mercy Shaw's father. In the document referred to, the name of Mercy is erroneously printed Mary, but in the Journal of the Assembly it is correctly given, at pages 185 and 693.

But these are not the only cases in which claims growing out of this dead soldier's right have been brought before the Legislature.

By the Assembly Journal of 1826, pages 670 and 750, it appears that the heirs of John Shaw petitioned to the Legislature for compensation for military services rendered by him during the revo-

lutionary war, and that the petitioners had leave to withdraw their petition. Whether the petitioners were the persons, in whose behalf the present application is made to the Legislature, cannot be ascertained by the Journals.

By the Assembly Journal of 1827, page 763, it appears that a favorable report was made by the committee on claims on the petition of the heirs of John Shaw for a compensation for his services as a soldier in the revolutionary war. The petitioner stated that John Shaw drew lot 63, Pompey; that it had escheated to the State, and they asked a sum of money equal to what had been received for said lot. They shewed to the committee that there was but one John Shaw in the 2d regiment; that he served to the end of the war, and was regularly discharged, and lived till 1806, and belonged to Walker's company. The committee set forth in their report the substance of the testimony of Wm. Waddle in this case, who swore that he was intimately acquainted with John Shaw; that he was a soldier in Walker's company, and that he (the witness) was present at the time of Shaw's discharge; that he was discharged at the same time, and knew him long after the war, and that there was no other John Shaw in Walker's company. A bill was reported accordingly, but was never acted on.

This case is supposed to be a different one from the present application; for if the present applicant had ever obtained a favorable report from the Legislature, it would doubtless have been referred to in support of the claim. Besides, there are some circumstances connected with the history of the John Shaw, whose identity is shewn by Wm. Waddle, which differ materially from those sworn to by Lydia Shaw, with regard to her husband. The first was said to have been discharged at the end of the war, and the latter in 1778. Here, then, is a report of a committee in favor of granting a remuneration to other persons upon the basis of the claim set up in this case; and it is worthy of remark, that the committee, as will be perceived by their report, could not come to the determination of reporting favorably, without supposing an error in the military records in the Secretary's office.

The case is referred to for the purpose of shewing how unsafe it is, at so remote a period of time, to rely on testimony so uncertain in its character with regard to a claim which has been re-

peatedly litigated in the courts, and which has as frequently been the subject of legislative investigation.

If claims of this description can be revived after such a lapse of time, upon testimony given *ex parte*, and for the most part by persons interested, and the accuracy of the military records impeached for the purpose of establishing them, it is believed that there is hardly a case, in which the claimants might not make out a plausible title to a remuneration.

On the whole, the commissioners consider the testimony of Lydia Shaw as establishing the fact that her husband was never entitled to land. It is well known that the titles, to the military lots in Onondaga county, which were in any manner doubtful, were for many years in a course of litigation, in which the most contradictory testimony, in relation to the identity of the persons, to whom lots were awarded, and to their military services, was produced. These claims have been, for the most part, quieted by judicial investigations; but as the investigations become more remote, the claims may in some cases be revived, and made the basis of applications to the Legislature. The lapse of time is, however, calculated of itself to draw into doubt the merits of the applications, and demands a severe scrutiny of the testimony on which they are founded.

Without regard to these considerations, the Commissioners are of opinion that Lydia Shaw has shown by her own statements that her husband was not the patentee of lot No. 63, Pompey, and consequently, that Mercy Shaw, in whose behalf the petition in this case is presented, has no claim to the remuneration which she seeks.

JOHN A. DIX, *Secretary.*
GREENE C. BRONSON, *Att'y-Gen.*
SIMEON DE WITT, *Surv'r-Gen.*
A. C. FLAGG, *Comptroller.*
A. KEYSER, *Treasurer.*

25th April, 1834.

[Assem. No. 393.]

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IN ASSEMBLY,

April 26, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of Franklin Rose.

The Commissioners of the Land-Office, on the petition of Franklin Rose, referred to them by the Honorable the Assembly,

RESPECTFULLY REPORT AS FOLLOWS:

On the 7th of August, 1804, the Surveyor-General sold to Joseph Frost, for the sum of \$335, lot No. 130 of the tract called the Northwest part of the late Oneida Reservation. Said lot, in the original field book, was reported as containing seventy-nine acres, and was so represented at the sale. On comparing the original survey with the one produced by the petitioner, there does not appear a greater difference in the length of the lines given, for the bounds of the lot than might be expected. From these the contents have been calculated by the Surveyor-General, with as much precision as is practicable, and he finds them to be about eighteen acres less than originally reported. For this deficiency, the petitioner, who claims to own the right of the first purchaser, now prays for relief, so that his account on the books of the Comptroller may be credited with it. As the lot appears to have passed through several hands, and it may be that it has been purchased by some for a diminished price, on that account, it is not certain who would be entitled to the allowance, should any be made.

Respectfully submitted.

SIMEON DE WITT, *Surveyor-Gen'l*,
GREENE C. BRONSON, *Att'y-Gen'l*,
A. C. FLAGG, *Comptroller*,
JOHN A. DIX, *Secretary*,
A. KEYSER, *Treasurer*.

Albany, April 24, 1834.

[Assem. No. 394.]

IN ASSEMBLY,

April 28, 1834.

REPORT

Of the select committee on the bill entitled "An act relating to the decisions of certain causes in the supreme court upon writs of error."

Mr. Titus, from the select committee to whom was referred the bill (from the committee of nine) entitled "An act relating to the decisions of certain causes in the supreme court upon writs of error,"

REPORTED:

Judgments rendered by justices of the peace may be removed into the courts of common pleas by certiorari, and the decision of the county courts, in such cases, may be carried to the supreme court by writs of error. That court reviews the judgments of the common pleas and the justices, as to all questions of law, but does not examine the facts of the case, any further than may be necessary to decide on the legal questions growing out of the facts. The proposed bill authorizes the supreme court to review "the facts of the case," as well as the law. The effect of such a provision would be to require the supreme court to perform the office of a jury, as well as that of judges. It would add to the number of writs of error, increase the expenses of litigation, and be burdensome to the supreme court, which is already over loaded with business of a more important character. From these facts, the committee are unanimously of the opinion the bill ought not to become a law.

IN ASSEMBLY,

April 30, 1834.

REPORT

Of the committee on claims, on the petition of Henry Thalhimer.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Henry Thalhimer,

REPORTED:

That the petitioner states that his father, Peter Thalhimer, was a contractor of section 175 of the Erie canal: that a verbal contract was entered into between him and Samuel Young, Esquire, one of the Canal Commissioners, in the spring of 1822, by which it was agreed to construct the said section, and finish the same, under the direction of an engineer, by the first day of October, 1823, for which he was to receive 62½ cents per yard for rock excavation, 8 cents per yard for earth excavation, and 12½ cents for embankment: that the excavation of the rock proving more difficult and expensive than had been anticipated, the said Peter Thalhimer was about abandoning the contract, when the petitioner stepped in to his aid, and assumed the completion of the job; after which the petitioner had the principal charge of, and was at the whole expense of completing the job, except that his father occasionally gave him personal assistance. The petitioner further alleges that his substitution in the place of the said Peter Thalhimer was well known to the superintendent of the eastern section of the canal, who from time to time gave directions in relation to the construction of the canal to the petitioner.

The petitioner further states, that while engaged in the construction of the said section, the said Peter Thalhimer pointed out to Col. Young the difficulty of excavating the rock, and the impossibility of doing it, at the price agreed upon, and Col. Young then

told him to go on and finish the job, and he should receive a fair compensation for the labor necessarily bestowed.

The petitioner further represents, that the quantity of rock excavation was 9,083 yards upon said section; and that a fair compensation for doing the work would be at least one dollar per yard, instead of which an allowance of only fifty-eight cents per yard was made, in the settlement which took place in December, 1823.

The petitioner further states, that in the excavation of the earth he encountered a quantity of hard pan, the excavation of which was worth about 50 cents per yard, over and above the contract price, which was eight cents per yard, and which was all that was allowed.

The petitioner further stated, that in the progress of the work it became necessary to cut ditches to drain water which flowed into the canal, for which he ought to have received an extra compensation of at least ninety dollars.

The petitioner further shews, that for the construction of about 2,000 yards of the embankment he ought to have received, in addition to the compensation made to him, at least two hundred and fifty dollars, in consequence of the distance that the material had to be carried.

The Canal Board have made a report against the petitioner, upon the ground that the petitioner was not the contractor to the State; and also that such a lapse of time has occurred since the completion of the canal that it would be unsafe to revive the subject.

The petitioner shows, by the testimony of several witnesses, that the completion of the job was owing to his energy and perseverance: he shows, by the testimony of several witnesses and by a letter from Benjamin Wright, Esq. the engineer, to Mr. Edmonds, in the session of 1832, that the rock excavation was worth from 70 cents to one dollar per yard. He also proves, by the testimony of judge Peck, that there was 808 yards of hard pan upon said section, for which he received only 8 cents per yard. Judge Peck states in his affidavit that he had taken a section near to this, and the excavation was at the same price; and that he had a quantity of hard pan upon his job, not anticipated at the time of the contract, and that an extra allowance was made him, of from 12 to 13 cents, which he thought inadequate.

The petitioner's father died in 1828, having never petitioned for, or received any extra allowance; and the petitioner produces the affidavit of Samuel G. Huntington, Esq., his administrator, showing that no claim has been presented since the death of Peter Thalhimer; and also showing, by the declarations of the said Peter Thalhimer, that the said Henry Thalhimer was interested in the job with him, and expressing his deep solicitude that some allowance might be made to his son.

Your committee, in view of the whole case, are of opinion that the claim is a proper one for the investigation of the Canal Board, and have requested their chairman to ask leave to introduce a bill to that effect.

No. 397.

IN ASSEMBLY,

May 3, 1834.

REPORT

Of the Commissioners of the Land-Office, on the petition of Thomas W. Newcomb and Daniel Newcomb.

The Commissioners of the Land-Office, to whom was referred by the Assembly the petition of Thomas W. Newcomb and Daniel Newcomb, submit the following

REPORT:

The same petition was before the Assembly at the last session of the Legislature. It was referred to the Surveyor-General, and his report will be found in the Assembly Documents of 1833, No. 307. The Commissioners are unable to furnish any information in relation to the matters contained in the petition, beyond what is contained in the report of the Surveyor-General.

Albany, April 30, 1834.

GREENE C. BRONSON, *Att'y-Gen.*

A. C. FLAGG, *Comptroller.*

SIMEON DE WITT, *Surv'r. Gen.*

IN ASSEMBLY,

May 5, 1834.

REPORT

Of the committee on claims, on the petition of Anson Thompson.

Mr. Ingalls, from the committee on claims, to whom was referred the petition of Anson Thompson,

REPORTED:

That the petitioner states that in the month of November last, while engaged in navigating the Champlain canal with a tow boat, the horse drawing said boat was drowned in a ditch or side cut, which was dug along the tow-path from the river to the canal, below the guard gate, for the purpose of supplying the canal with water from the Mohawk river. This side cut was on the west side of the guard lock where the Champlain enters the Mohawk river, and on the south side of the river. This side cut was mostly covered up, and as the petitioner is informed was intended to be entirely covered, to prevent persons and horses navigating the canal from falling in. But the person left in charge of that section of the canal, in the absence of the superintendent, neglected to cover over and secure the side cut, and about four by six feet of the side cut was left open, and so small a space left for the horse to walk upon that if he stepped or was drawn by the leading horse the least out of the usual track, he must inevitably be plunged into this pit and be drowned. The pit or side cut is about seven feet deep, a swift current of water passing through it from four to five feet deep, and so narrow that there was no chance to get the horse out until he was drowned: and in this case the horse of the petitioner was carried by the current of water into the canal.

The petitioner estimates and proves the value of the horse to be seventy-five dollars. The case of the petitioner is supported by the
[Assem. No. 398.]

affidavit of the superintendent showing that the accident happened in consequence of the want of care on the part of the person with whom he left in charge this part of the canal.

Your committee are of opinion that the petitioner is entitled to receive from the State the value of his horse; and have directed their chairman to ask leave to bring in a bill for his relief.

IN ASSEMBLY,

May 6, 1834.

REPORT

Of the committee on the judiciary, on the memorial of the judges of the court of common pleas of the county of Saratoga.

Mr. Haight, from the committee on the judiciary, to which was referred the memorial of the judges of the court of common pleas of the county of Saratoga,

REPORTED:

That the memorialists ask for the passage of a law declaratory of the manner of proceeding in courts of oyer and terminer and general sessions, and that in all cases in both courts the trial of indictments should take preference of the civil business. To the memorial is annexed a case, and the opinion of the supreme court thereon, which the memorialists seem to suppose establishes a new rule on this subject inconsistent with the due and prompt administration of public justice. The case seems to have been agreed upon between the circuit judge of the fourth circuit on the one part and the judges of the county courts of Saratoga on the other part, and states that the defendant, Niell Savage, was indicted for a misdemeanor, and was at large on bail. The trial being moved by the district attorney, a majority of the court ordered the trial to proceed; but his honor the circuit judge, then presiding in the court, dissented from the decision of a majority of this court, and declined to take the usual part, as presiding member of the court, in the trial of the cause, and claiming the right to control the order of proceedings between the circuit court and this court, and ordered the clerk to impanel a jury in a libel cause, and claimed the right to

proceed to the trial of the same. Whereupon, at the suggestion of the district attorney, a case was made, and the question of the conflicting powers of the different members of the court was submitted to the supreme court by the consent of the circuit judge and the judges of the county court. Upon this case the supreme court pronounced the opinion of which the memorialists complain, and to avoid the effect of which as an adjudication on this subject, legislation is now sought.

Accompanying the case was a stipulation, submitting the question to the supreme court, whether a mandamus should issue to compel the next oyer and terminer in Saratoga to proceed with the trial of Niell Savage.

The circuit court is held by the circuit judge, and the oyer and terminer by the circuit judge and two or more of the judges of the county courts, and both courts are held at the same time. The order of business in each court should be so arranged as to promote economy and despatch in the disposition of public business, and to subject suitors and witnesses to as little inconvenience as possible in their necessary attendance upon these courts. The rule adopted by the supreme court is, that the indictments of which the oyer and terminer have exclusive jurisdiction, and those on which the defendants are in prison, should be first tried; that after this class of criminal business is disposed of, the circuit judge may, in his discretion, proceed with and finish the civil calendar. If, after the civil calendar is disposed of, any portion of the time allotted to the circuit remains, it may and should be employed in the disposition of any public business ready for trial.

The course of the circuit judge, and the decision of the supreme court, is commented upon with some severity by the memorialists, and it seems to be supposed that the powers of the judges of the county courts when presiding in the oyer and terminer, are, by the decision of the supreme court, materially abridged.

Your committee entertain no doubt but that the opinions of each of the judges composing the court of oyer and terminer, in the decision of causes or questions arising in that court, are entitled to the same legal effect; nor is the law on that subject, as contained in the Revised Statutes, referred to by the memorialists, impugned by the decision of the supreme court.

Your committee understand, from the decision of the supreme court, that each member of the oyer and terminer possesses as much just authority as the circuit judge in the decision of causes or questions in that court. The question of conflicting powers on the decision of questions while in session as a court, if presented by the case submitted, is not decided by the supreme court. The question as to whether the court of oyer and terminer could proceed against the declared opinion of the circuit judge, was not necessarily presented by the motion for a mandamus. The denial of the motion by the supreme court does not prove that the judges of the oyer and terminer have not the powers claimed for them respectively. The motion was properly denied, if the judges decided wrong as to the order of business.

Another subject, arising from this controversy between the members of the Saratoga oyer and terminer, is presented for the consideration of your committee. It is suggested by the memorialists that a law should be passed, changing the order of business as settled by the supreme court.

The present mode of conducting the business of the circuit and oyer and terminer, is in accordance with the opinion of the supreme court, and, so far as your committee have been informed, never has been the subject of complaint. The mode proposed by the memorialists would, in some counties of the state, render it improbable that any civil causes would be tried, unless the time occupied in the circuit and oyer and terminer should be extended greatly beyond that now usually allotted to the business of these courts. It is not supposed that there is any danger in confiding to the general sessions the trial of all crimes of which that court has jurisdiction. In the mode proposed by the memorialists, the judges of the county courts, who compose, with the circuit judge, the oyer and terminer, would be compelled to remain so long as any business was to be done in that court. Whether they occupy that time discharging their duty as members of the oyer and terminer or general sessions, cannot to them be a matter of much importance. So far as public considerations are concerned, it is conceived to be no less important to dispose of the civil calendar at a circuit than to try indictments for petty offences. This last class of business can be tried by the general sessions. Issues of fact in the supreme court cannot be tried unless at a circuit court. No difficulty in practice has ever before occurred to the knowledge of

your committee, in relation to the disposition of business, between the circuit judge and the county judges. No complaints of the neglect of the criminal business have been heard, nor is there any good reason to believe that the change proposed would be generally acceptable to the people of the State.

It is said that the mode proposed by the memorialists would be more economical; that now witnesses are required to attend both courts. If indictments appropriated to each court were only to be prepared for trial in each, much of the expense of double preparation would be saved. That this course ought to be pursued by the public prosecutor as far as practicable, your committee have no doubt.

The memorialists complain of the decision of the supreme court, and comment upon the opinion of the chief justice with unnecessary harshness and severity. Your committee perceive nothing in the decision of the court, or in the opinion of the chief justice, which called for the somewhat severe expressions in the memorial from men possessing such high personal and official characters as the judges of Saratoga county. The fact alluded to by the chief justice in the concluding part of his opinion, and which was not stated in the case, is contained in an affidavit of Judge Cowen handed up with his brief. The papers handed up by Judge Cowen were shewn to the district attorney before they were handed to the court. The district attorney handed the chief justice his brief, and mentioned that another individual would shortly hand up the papers on behalf of Judge Cowen. Shortly afterwards the papers were presented by the individual named. Under these circumstances, no intentional wrong can be imputed to the chief justice, in regarding the affidavit of Judge Cowen as forming part of the papers upon which the decision might be predicated. The fact alluded to by the chief justice, was of no importance in determining the question.

It is not, however, the wish or design of your committee to enter into more detail than they conceive to be necessary to render their own views understood, and while they are desirous to avoid all participation in the excited feelings which the memorials evince, they deemed this brief explanation of the remark of the chief justice due to a distinguished public officer and estimable man.

A calculation is made in the memorial, to show that the circuit judge is not occupied wholly by his official duties, and for that reason he should devote more time to the trial of criminal causes.

Your committee believe the memorialists mistaken in this view of the subject. The duties now devolving upon the circuit judges are sufficient to occupy all their time. It is altogether a mistaken view of the subject to suppose they are only occupied while upon the bench. The investigation and decision of causes in chancery, in order that justice may be done to suitors, is more laborious, and probably occupies more of the time of the circuit judges, than holding circuits. The judge of the fourth circuit, from his vicinity to the Chancellor, has probably as many or more causes referred to him for investigation and decision, than either of the other judges, and your committee entertain no doubt but that the duties of all the circuit judges might with great propriety be lessened, rather than increased. From the known character and learning of the circuit judge of the fourth circuit, there is no good reason to believe that he is less persevering and laborious in the investigation of causes than any other of the judges; and your committee cannot think this view of the case presented by the memorialists forms any reason for adding to his official duties.

The brevity proper for the occasion, does not permit a more detailed view of the subject of the memorials; and if it did, your committee are not aware of any public considerations which require of them the minuteness of detail which characterize the memorials.

Your committee have unanimously come to the conclusion that the prayer of the memorialists ought not to be granted.

IN ASSEMBLY,

May 3, 1834.

ANNUAL REPORT

Of the Treasurer of the Albany Savings Bank.

*State of the Funds of the Albany Savings Bank, on the first day
of January, 1834.*

Due to depositors, for principal and interest, on the 1st January, 1833, (see return,)	\$153,715 07
Deposited since,	117,053 00
Interest accrued since that period,.....	8,373 47
	<hr/>
	\$279,141 54
Drawn since by depositors,	61,342 24
	<hr/>
	\$217,799 30
Due from the Commercial Bank, ...:	217,799 30
	<hr/>

The whole number of depositors is 904.

H. BARTOW, *Treasurer.*

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